

**ORDINANCE NO. 1001-141007 (C)**

**AMENDING THE CITY OF ROPESVILLE, TEXAS CODE OF ORDINANCES, RELATING TO THE PROVISION OF WATER UTILITY SERVICES (Ordinance No. 1001-141007) Section W02.001 (Water Rates), ESTABLISHING UTILITY RATES AND UTILITY RELATED FEES, ESTABLISHING A DEPOSIT, REQUIREMENTS FOR UTILITY SERVICE, ESTABLISHING AN APPEALS PROCESS, PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVING 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 Ordinance No. 1001-141007 (B); and**

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

**WHEREAS, the City Council of the City of Ropesville, finds the following water utility ordinance amendment 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 W01.001 Ordinance 1001-141007 and Ordinance No. 1001-141007 (A) & (B) of the City of Ropesville Texas, is hereby amended by deleting those provisions relating to the provision of water 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**

**Connection to public utilities required.**

**Sec. W01.001**

- (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.

#### **Application for Service-Denial of Service**

##### **Sec. W01.002**

(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 a minimum of 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 , acknowledgement 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.
- (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 (1) has past due and unpaid amounts for the provision of utility services at the location being applied for; (2) has past due and unpaid amounts at any other property located within the municipal limits of the city; or (3) 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.

#### **Metering**

##### **Sec. W01.003**

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.

## **Wastewater/Wastewater Unlawful Acts**

### **Sec. W01.004**

**(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) Cutting any lock or other security device placed on, or over a meter or a valve or any other equipment.**
- (6) Altering any meter or meter box to reflect inaccurate readings or bypassing the meter**
- (7) Repairing or renewing distribution or service pipe, water mains, or meters owned by the city.**
- (8) Making or creating any connection with a water main or distribution/service pipe.**
- (9) For any damage caused to the cutoff valve, meter, or meter parts, the customer will be required to pay the full cost of repairs needed for replacement and labor.**
- (10) The City Secretary shall be authorized to add all charges to the account caused by the account being delinquent, expense incurred for damage to cut off valves, meters, meter boxes, or other city owned equipment, including the cost of parts and labor.**

## **Sale of Water for Farm Irrigation Purposes**

### **Sec. W01.005**

**No water shall be sold for farm irrigation purpose.**

## **Line Connection and extension**

### **Sec. W01.006**

**The city shall extend all the water lines connections 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.**

**For wastewater/sewer line connections, the city water employee is responsible for putting in the sewer tap and saddle on the city sewer lines. Person or persons desiring the connection have the option of hiring a professional plumber to perform all the tie-ins but will be responsible for any dig test or permits needed for the tie-ins. The customer will be responsible for the cost of tap and saddle.**

Person or persons desiring the connection have the option of hiring a professional plumber to perform all the tie-ins but will also be responsible for any dig test or any other test or permits needed for the tie-ins. Person desiring the connection Will not be able to tie-in to the main water line under no circumstances.

**Dual Water Service Connections Prohibited**

**Sec. W01.007**

- (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**

**Water Rates**

**Sec. W02.001**

- (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.

<b>Monthly Customer:</b>	<b>Base rate (0 to 3,000 Gallons Monthly)</b>	<b>\$37.00</b>
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Monthly consumption charge:

- |                                      |   |
|--------------------------------------|---|
| (1) 3001-10,000: gallons monthly     | base, plus 2.75 per 1,000 gallons       |
| (2) 10,001 to 20,000 gallons monthly | rates above, plus \$3.00 per 1,000 gal. |
| (3) 20,001 to 30,000 gallons monthly | rates above, plus \$3.25 per 1,000 gal. |
| (4) 30,001 to 40,000 gallons monthly | rates above, plus \$3.50 per 1,000 gal. |
| (5) 40,001 gallons and over          | rates above plus \$4.00 per 1,000 gal.  |

**Yard or Irrigation meter**

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|----------------------|--------------------------|-----------------|
| (1) 1,000 to 3,000   | \$2.25 per 1,000 gallons | TWDB Grant Loan |
| (2) 3,001 to 5,000   | \$2.75 per 1,000 gallons | \$10.00 a month |
| (3) 5,001 to 10,000  | \$3.00 per 1,000 gallons |                 |
| (4) 10,001 to 20,000 | \$3.25 per 1,000 gallons |                 |
| (5) 20,001 to 50,000 | \$3.50 per 1,000 gallons |                 |
| (6) 50,000 +         | \$3.75 per 1,000 gallons |                 |

July 19, 2019, City Council approved and passed a \$10.00 rate increase on water service furnished to 30 years. The City Council approved to charge all customers accounts this \$10.00 increase.

#### Wastewater Rates

##### Sec. W02.002

- (a) Wastewater rates within the city. The wastewater rates shall consist of a monthly customer charge plus a charged 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.
- (b) Monthly customer charge:

Residential	\$20.00
(1) \$1.25 per 1,000 gallons with a maximum charge for 10,000 gallons	
Commercial	
(1) 0-10,000 gallons	\$20.00
(2) 10,000 to 50,000 gallons	\$60.00

#### Miscellaneous Fees Related to Providing Water Service

##### Sec. W02.003

- (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) TWDB Grant Loan                                     | \$10.00 |

#### Billing and Payment Procedures

##### Sec. W02.004

- (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 15<sup>th</sup> 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 manager is authorized to impose 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 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 16<sup>th</sup> 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 the day specified in the notice, then all water utility services shall be scheduled to be disconnected and shall be disconnected if payment is not received before the service is 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 \$25.00 and disconnect fee of \$ 25.00 will be charged to the customer's account. After hours a reconnect fee of \$50.00 and disconnect 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 of 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. If you are going to move or need your services discontinued, the City requires that you come in and fill out a form asking the City to please discontinue your services, and you need to provide us with the date you need the service shut off.

(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 a check or draft for one year from date of last returned check.
- (c) 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.

### Deposits

#### Sec. W02.005

- (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 if 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 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.

### Tap Fees-New Connections, Meter Testing Fees

#### Sec. W02.006

- (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.

3/4-inch tap	\$1,350.00 w/labor
1-inch tap	\$1,750.00 w/labor
2-inch tap	\$2,900.00 w/labor

The city requires that the customer pay the estimated cost for the sewer saddle, tap, riser and installation, in the amount of \$600.00 before the city can begin the project to install your sewer service. The customer will be required to pay all final or extra costs for the installation if other parts or supplies are needed. (Example of extra cost would be if the city had to rent an extended backhoe because the line is deeper than normal, and the city backhoe cannot extend as far as needed.

- (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.

## Reconnection Fees

### Sec. W02.007

- (a) The reconnection fees for reconnecting water service that has been discontinued for nonpayment shall be \$25.00 if reconnected and disconnect fee of \$25.00 during regular business hours, and after business hours the reconnect fee shall be \$50.00 and the disconnect fee shall be \$50.00. This reconnection fee shall be in addition to any applicable late charges.
- (b) As used herein, "regular business hours" are between 7:30 a.m. and 5:00 p.m. on all days that the city hall offices are open for business. If you are going to move or need your services discontinued, the City requires that you come in and fill out a form asking the City to please discontinue your services, and you need to provide us with the date you need the service shut off.

## Hardship Cases, Billing Disputes

### Sec. W02.008

#### SECTION 1.

- (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 to assure uniform consistent treatment of request for relief. The mayor may enter into payment agreements when appropriate, which plans will also contain security for the city.
- (b) Any dispute regarding the validity of any indebtedness owed to any other city or municipal utility service provider being collected by the city pursuant to any interlocal cooperation agreement shall be resolved solely between the utility customer and the city or other municipal utility service provider to which such delinquency is owed. The City of Ropesville shall not be a party to any such dispute.
- (c) 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.
- (d) 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 cost of parts and labor. The inclusion of such costs or charges does not extend or otherwise effect the due dates for payment of utility bill.



**SECTION 2. Other Utility Services.** This ordinance is not intended to and does not repeal or otherwise effect any other provision of Ordinance 1001-141007 and Ordinance No. 1001-141007 (A) & (B) relating to the provision of any other utility service other than water and wastewater (sewer) utility service.

**SECTION 3. 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 4. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**SECTION 5. Repealed.** All other terms and provisions of the Code of Ordinance of the City of Ropesville, not in conflict herewith and not hereby amended shall remain in full force and effect.

**SECTION 6. Severability.** If any provision, section, subsection, sentence, clause or the application of same to any person or set 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 unconstitutionally of any portion or provision.

**SECTION 7. 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 9<sup>th</sup> day of February 2023.



Brenda Rabel, Mayor

Attest:



Ofelia Corral, City Secretary.