

ORDINANCE NO. 2024-4932

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EDINBURG, TEXAS, AT TITLE V. PUBLIC WORKS, CHAPTER 50 GENERAL PROVISIONS; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE READINGS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt ordinances or regulations that are for the good government, peace, or order of the City and that are necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City of Edinburg is a home rule municipal corporation with the State of Texas, with full power of local self-government; and

WHEREAS, the City Council of the City of Edinburg, Texas conducted a special workshop on water and wastewater on December 19, 2023 to review the findings of a Water and Wastewater Rate Study conducted by Willdan Financial Services; and

WHEREAS, the Water and Wastewater Rate Study was to evaluate revenue requirements forecasted out over five (5) years and review current Water and Wastewater Rate Ordinance along with billing methodology and tap fees; and

WHEREAS, the Water and Wastewater Rate Study recommended changes to water, wastewater, and tap fee rates for customers within City limits and outside City limits for five (5) rate increment increases with increases being on March 1, 2024, October 1, 2024, October 1, 2025, October 1, 2026, and October 1, 2027. The new rate plans enable the Utility Fund to fully fund all water and wastewater Capital Improvement Plan, maintenance, operating and construction cost and will provide for the Utility Fund to operate self-sufficient with no need for General Fund subsidies; and

WHEREAS, the City Council of the City of Edinburg, Texas has approved a five (5) rate increment increase beginning March 1, 2024 and ending October 1, 2027, as stated above, in order to properly bill water, wastewater, and tap fee charges to the customers, it is necessary to amend the City Code of Ordinances Title V. Public Works, Chapter 50 General Provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDINBURG, HIDALGO COUNTY, TEXAS THAT:

SECTION I: AUTHORITY OF LAW. All requirements of the law have been met in the passing of this Ordinance.

SECTION II: The Code of Ordinances of the City of Edinburg, Texas, at **TITLE V. PUBLIC WORKS, CHAPTER 50 GENERAL PROVISIONS; SECTION 50.01 DEFINITIONS** is hereby amended to be read in its entirety as follows:

For the purpose of this subchapter, the following **definitions** shall apply unless the context clearly indicates or requires a different meaning.

Commercial - any property, other than residential and industrial, providing services to the general public.

Independent living unit - a self-contained residence or unit capable of being used as a residence independent of other residences or units.

Industrial - any property used in the process of converting raw materials into finished products.

Purchaser - shall include purchasers under executory contracts for conveyance of real property.

Residential, multi-unit - a structure designed for three or more independent living units.

Residential, single-unit - a structure designed for one independent living unit.

Residential, two-unit - a structure designed for two independent living units.

SECTION III: The Code of Ordinances of the City of Edinburg, Texas, at **TITLE V. PUBLIC WORKS, CHAPTER 50 GENERAL PROVISIONS; SECTION 50.02 OUT-OF-CITY CUSTOMERS** is hereby amended to be read in its entirety as follows:

- A. Any and all services provided through the City of Edinburg's Certificates of Convenience and Necessities (CCN) may be provided to non-residents of the City of Edinburg, at the City's discretion, upon an application for service and all required approval. The rate for such services shall be one and one-fourth times the rate charged for such services to the City's residents. The rates for out-of-city customers are shown in Table 50.05-01.
- B. All applications shall be reviewed for approval by the City of Edinburg's Utilities Department.
- C. Water Meter Fees and Service Deposits. Out-of-City customers will be charged a water tap fee and a service deposit as provided in Table 50.05-02.
- D. Water Connection Fee. Out-of-City customers shall not be charged for the City's first trip to provide water connection. All subsequent trips, for any reason, shall be charged a rate of \$25.00 per trip if done during the City's business hours or a rate of \$65.00 per trip done outside of business hours.

SECTION IV: The Code of Ordinances of the City of Edinburg, Texas, at **TITLE V. PUBLIC WORKS, CHAPTER 50 GENERAL PROVISIONS; SECTION 50.03 TERMINATION OF SERVICE; TERMINATION OF UNAUTHORIZED SERVICE; LATE PAYMENT SURCHARGE** is hereby amended to be read in its entirety as follows:

- A. Failure to pay for any utility service or part thereof when due shall subject customer to termination of such service and a disconnection fee of \$25.00 shall be charged thereupon.
- B. Upon discovering and disconnection of unauthorized service, the service meter shall be removed by the city and a charge of \$250.00 shall be levied prior to reconnection of such service. In addition, an estimated water usage for the period of unauthorized service will be charged prior to reconnection.
- C. Any customer requesting a payment extension on a past due account will be assessed an additional fee of \$5.00 on their account per extension with a limit of 2 per calendar year.
- D. Disconnection for late payment.
 - (1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:
 - (a) That all bills are due and payable on or before the date set forth on the bill;
 - (b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and
 - (c) That any customer disputing the correctness of their bill shall have a right to a hearing at which time the customer may be represented in person and by counsel or any other person of their choosing and may present orally or in writing their complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.
 - (2) Request for delays of payment must be reviewed and considered by City Manager or City Manager designee. If a delay of disconnection is approved, a "Good Faith Payment," the amount of which shall be determined by the City Manager or City Manager designee, must be made.
 - (3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a reconnection charge in the sum of \$25.00, if the reconnection is conducted within 8am-5pm.
- E. An overtime reconnection fee will be charged to customers for reconnects after 5:00 p.m. in the sum of \$65.00.

SECTION V: The Code of Ordinances of the City of Edinburg, Texas, at **TITLE V. PUBLIC WORKS, CHAPTER 50 GENERAL PROVISIONS; SECTION 50.04 SANITARY SEWER CHARGES** is hereby amended to be read in its entirety as follows:

- A. ***Accounts which purchase city water.*** For accounts which also purchase water from the City, the rate to be charged for sanitary sewer by the City of Edinburg is shown on Table 50.05-01:
- B. ***Accounts which do not purchase city water.*** Accounts which do not purchase water from the city but are located within the city limits shall be charged for sanitary sewer services in the amounts provided under subpart (A) of this section. Accounts which do not purchase water from the city and that are located outside the city limits shall be charged a monthly fee for sanitary sewer services as shown below on Table 50.05-1.
- C. ***Non-residential accounts.*** All non-residential accounts which use water in the production of a product shall have separate water meters for purposes of determining the sanitary sewer charge.
- D. ***Businesses.*** Each business with a meter will be charged the sanitary sewer fee.
- E. ***Minimum charge.*** For accounts which purchase water from the city, the minimum monthly rate for sanitary sewer service is listed in Table 50.05-01, unless listed otherwise.
- F. ***Adjustment of charges.*** Any accounts having extenuating circumstance shall pay charges as negotiated and approved by City Manager or City Manager designee.
- G. ***Sewer tap fees.*** The City does not perform sewer taps, however, a sewer tap permit must be obtained by a licensed plumber at the Building Safety Department. All sewer tap fees in addition to any permit fees will be charged by the Building Safety Department. All required fees must be paid to the City prior to the property connecting to the City's sewer system.

SECTION VI: The Code of Ordinances of the City of Edinburg, Texas, at **TITLE V. PUBLIC WORKS, CHAPTER 50 GENERAL PROVISIONS SECTION 50.05 WATER AND SEWER CHARGES** is hereby amended to be read in its entirety as follows:

- A. ***Definitions.*** For purposes of this section, the term residential shall exclude all other property uses except residential, and Nonresidential shall include all property uses other than residential.
- B. ***Rates.*** The monthly rates charged for water sold by the City of Edinburg are shown on Table 50.05-1:

Table 50.05-1

Residential Rates (Inside City Limits)					
Monthly Minimum Charge – 1 st 3,000 Gallons	Effective March 1,	Effective October 1,	Effective October 1,	Effective October 1,	Effective October 1,

	2024	2024	2025	2026	2027
All Meters	\$11.97	\$13.28	\$14.74	\$16.36	\$18.16
Additional Gallons					
3,001 – Above	\$2.76	\$3.07	\$3.41	\$3.78	\$4.20
Multi-Family & Commercial Water Rates (Inside City Limits)					
Monthly Minimum Charge – 1 st 3,000 Gallons	Effective March 1, 2024	Effective October 1, 2024	Effective October 1, 2025	Effective October 1, 2026	Effective October 1, 2027
5/8" x 3/4"	\$14.89	\$16.52	\$18.34	\$20.36	\$22.60
1"	\$14.89	\$16.52	\$18.34	\$20.36	\$22.60
1 1/2"	\$19.84	\$22.02	\$24.44	\$27.13	\$30.11
2"	\$29.68	\$32.95	\$36.57	\$40.59	\$45.06
3"	\$39.73	\$44.10	\$48.95	\$54.33	\$60.31
4"	\$59.37	\$65.91	\$73.15	\$81.20	\$90.13
6"	\$99.23	\$110.15	\$122.27	\$135.72	\$150.64
8"	\$198.47	\$220.30	\$244.53	\$271.43	\$301.29
Additional Gallons					
3,001 – Above	\$2.76	\$3.07	\$3.41	\$3.78	\$4.20
Residential Water Rates (Outside City Limits)					
Monthly Minimum Charge – 1 st 3,000 Gallons	Effective March 1, 2024	Effective October 1, 2024	Effective October 1, 2025	Effective October 1, 2026	Effective October 1, 2027
All Meters	\$14.96	\$16.61	\$18.44	\$20.46	\$22.71
Additional Gallons					
3,001 – Above	\$3.45	\$3.83	\$4.25	\$4.72	\$5.24
Multi-Family & Commercial Water Rates (Outside City Limits)					
Monthly Minimum Charge – 1 st 3,000 Gallons	Effective March 1, 2024	Effective October 1, 2024	Effective October 1, 2025	Effective October 1, 2026	Effective October 1, 2027
5/8" x 3/4"	\$18.60	\$20.65	\$22.92	\$25.44	\$28.24
1"	\$18.60	\$20.65	\$22.92	\$25.44	\$28.24
1 1/2"	\$24.80	\$27.53	\$30.55	\$33.91	\$37.64
2"	\$37.11	\$41.19	\$45.72	\$50.75	\$56.33
3"	\$49.66	\$55.12	\$61.19	\$67.92	\$75.39
4"	\$74.21	\$82.38	\$91.44	\$101.50	\$112.66
6"	\$124.04	\$137.69	\$152.83	\$169.64	\$188.31
8"	\$248.09	\$275.37	\$305.67	\$339.29	\$376.61
Additional Gallons					
3,001 – Above	\$3.45	\$3.83	\$4.25	\$4.72	\$5.24
Residential, Multi-Family, & Commercial City Wastewater Rates (Inside City Limits)					
	Effective March 1, 2024	Effective October 1, 2024	Effective October 1, 2025	Effective October 1, 2026	Effective October 1, 2027
Monthly Minimum Charge – 1 st 3,000 Gallons	\$8.94	\$9.92	\$11.01	\$12.22	\$13.56
Volume Rate/1,000 Gal	\$1.70	\$1.89	\$2.09	\$2.32	\$2.58

Maximum Bill for Single Family Residential Customers	\$34.24	\$38.01	\$42.19	\$46.83	\$51.98
Residential, Multi-Family, & Commercial City Wastewater Rates (Outside City Limits)					
	Effective March 1, 2024	Effective October 1, 2024	Effective October 1, 2025	Effective October 1, 2026	Effective October 1, 2027
Monthly Minimum Charge – 1 st 3,000 Gallons	\$11.18	\$12.41	\$13.77	\$15.29	\$16.97
Volume Rate/1,000 Gal	\$2.13	\$2.37	\$2.63	\$2.91	\$3.24
Maximum Bill for Single Family Residential Customers	\$42.93	\$47.66	\$52.90	\$58.72	\$65.17

C. **Water meter fees and service deposits.** Customers will be charged a water tap fee and a service deposit as provided in Table 50.05-2:

Table 50.05-2

Inside City Limits Tap Fee			
Meter Size (Inches)	Tap Fee	Actual Service Deposit	Total Amount
5/8 X 3/4	\$650.00	\$100.00	\$750.00
1	\$950.00	\$125.00	\$1,075.00
1 1/2	\$1,900.00	\$150.00	\$2,050.00
2	\$2,470.00	\$225.00	\$2,695.00
3	*	\$350.00	*
4	*	\$415.00	*
6	*	\$775.00	*
8	*	\$830.00	*
1) Final cost shall be based on actual cost of materials and labor. 2) Cost of Street Crossing/Cuts shall be charged in addition to the tap fee. 3) Customers must hire at their own expense a contractor for required bores. Contractor must obtain all required permits prior to any work being performed at their own expense. *A water meter in the size of 3” and above will be allowed to be installed by a contractor/developer/customer with the consent of the Utilities Department. Such meters must include the deposit fee (payable to the City) and must be installed at the contractor’s/ developers/customer’s own expense (refer to the latest Engineering Standards Manual for installation requirements).			
Outside City Tap Fee			
Meter Size (Inches)	Tap Fee	Actual Service Deposit	Total Amount
5/8 X 3/4	\$812.50	\$125.00	\$937.50
1	\$1,187.50	\$156.25	\$1,343.75
1 1/2	\$2,375.00	\$187.50	\$2,562.50

2	\$3,087.50	\$281.25	\$3,368.75
3	*	\$437.50	*
4	*	\$518.75	*
6	*	\$968.75	*
8	*	\$1,037.50	*
1) Final cost shall be based on actual cost of materials and labor. 2) Cost of Street Crossing/Cuts shall be charged in addition to the tap fee. 3) Customers must hire at their own expense a contractor for required bores. Contractor must obtain all required permits prior to any work being performed at their own expense. *A water meter in the size of 3" and above will be allowed to be installed by a contractor/developer/customer with the consent of the Utilities Department. Such meters must include the deposit fee (payable to the City) and must be installed at the contractor's/ developers/customer's own expense (refer to the latest Engineering Standards Manual for installation requirements).			

D. **Individual Meter.** All residential and business accounts may be individually metered.

E. **Deposits.**

1. **Deposit refund.** Service deposits may be refunded as follows:

- i. When service is terminated and the account is fully paid;
- ii. To any customer who shall be under the same account and maintains such account without delinquency for a continuous 24-month period from the date of deposit; and
- iii. To any new or transfer customer who can provide evidence of no delinquency for a continuous 24 month period from a previous utility provider;

2. Deposits shall not be transferred to another customer.

3. Deposits can be transferred for the same customer to a different location account with a zero-balanced account.

F. **Determination of meter size.** All meter sizes shall require prior approval by the Utilities Department. Final meter size determination will be made by the City of Edinburg and shall be based on consumption standards.

G. **Replacement of meters based on consumption.** Upon review of consumption history, the City of Edinburg may replace meters to comply with consumptions standards and must be approved by the Director of Utilities. No refunds shall be made for downgraded meter sizes.

H. **Water meter testing charge.** Charges by the City of Edinburg for the testing of water meters and customer requesting meter re-reads within the City of Edinburg CCN are as follows:

1. Within City:

- i. Meter Testing - \$20.00
 - ii. Customers requesting meter re-reads - \$20.00
- 2. Outside City:
 - i. Meter Testing - \$30.00
 - ii. Customers requesting meter re-reads - \$30.00
- I. ***Adjustment of charges.*** Any accounts having extenuating circumstances shall pay charges as negotiated and approved by City Manager or City Manager designee.
- J. ***Traveling Meters.*** Service from a fire hydrant or water service for construction projects shall be for the following estimated charges for a traveling meter:
 - 1. Installation, \$75.00
 - 2. Relocation, \$50.00
 - 3. Deposit, \$750.00

The Deposit Fee shall not be waived due to the limited equipment availability. The Deposit Fee shall cover, but not be limited to, unpaid utility fees/bills and/or damaged, lost, or stolen hydrant (traveling) meters.
- K. ***Ownership of meters.*** All meters shall remain the property of the City of Edinburg.
- L. ***Meter location; existing service.*** All meters shall be placed at a location nearest existing service line location in conjunction with the latest City of Edinburg Engineering Standards Manual.
- M. ***Meter relocation.*** All requests for meter relocation by the customers shall be made at the expense of the customer. The cost for the relocation shall be based on required materials and labor (refer to Table 50.05-2).
- N. ***Additional Charges.*** All payments, with the exclusion of cash and physical checks, will be subject to convenience and transaction fees.

SECTION VII: REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this Ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION VIII: SAVINGS CLAUSE: If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in

that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IX: PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage and publication according to law.

SECTION X: CODIFICATION: The provisions of this Ordinance shall be published in the appropriate sections of the Code of Ordinances of the City of Edinburg, Texas as soon as practicable.

SECTION XI. WAIVER CLAUSE: The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City council of the City of Edinburg, Texas at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551-041, on the 16th day of January 2024.

CITY OF EDINBURG

BY: _____
Ramiro Garza Jr., Mayor

ATTEST:

BY: _____
Clarice Balderas, City Secretary

APPROVED AS TO FORM:
OMAR OCHOA, CITY ATTORNEY

BY: _____
Omar Ochoa, City Attorney