

ORDINANCE NO. O-29-22

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALESTINE, TEXAS, BY AMENDING CHAPTER 98 ENTITLED "UTILITIES," ARTICLE III ENTITLED "RATES AND CHARGES," SECTION 98-90 ENTITLED "WATER RATES," SECTION 98-91 ENTITLED "WASTEWATER RATES," AND SECTION 98-91 ENTITLED "DISCONNECTION OF SERVICE FOR NONPAYMENT"; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Palestine provides water and wastewater services to citizens within its corporate boundaries and non-residents of the City; and

WHEREAS, the City is required to collect charges for the services it provides so as to pay for the provision of adequate and reliable service; and

WHEREAS, the City ensures that the charges are collected and needs to establish fair and reasonable deposits to ensure that ratepayers are responsible for the services they receive; and

WHEREAS, the City Council has determined that the rates charged to customers of the City's water and wastewater should be adjusted to more accurately reflect the cost of providing the services.

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

I.

That Sections 98-90, 98-91, and 98-94 of the Code of Ordinances of the City of Palestine, Texas be amended to read as follows:

Sec. 98-90. - Water rates.

The monthly water rates or charges to be charged by the city for treated water furnished to its consumers in the city shall be as follows:

(1) The minimum monthly charge for the first 2,000 gallons shall be based on the size of the meter as follows:

- a. Three-fourths-inch to one-inch~~\$7.25~~ 14.86
- 1. Three-fourths to one-inch sprinkler~~11.34~~ 19.86
- b. One and one-half-inch~~16.82~~ 26.15
- c. Two-inch~~22.81~~ 33.22
- d. Three-inch~~48.07~~ 63.02
- e. Four-inch~~73.27~~ 92.76
- f. Six-inch~~234.24~~ 282.70
- g. Eight-inch~~338.69~~ 405.95

(2) Usage charges shall be as follows:

a. Residential:

1. From 2,000 gallons to ~~20,000~~ 6,000 gallons, per 1,000 gallons~~\$6.66~~ 6.69
2. After From 6,000 gallons to 20,000 gallons, per 1,000 gallons8.37
3. After 20,000 gallons, per 1,000 gallons ~~8.15~~ 10.46

b. Commercial:

1. From 2,000 gallons to 20,000 gallons, per 1,000 gallons~~\$7.11~~ 7.15
2. After 20,000 gallons, per 1,000 gallons~~8.48~~ 8.93
3. Sprinkler: Up to 6,000 gallons, per 1,000 gallons 6.69
4. Sprinkler: From 6,000 gallons to 20,000 gallons, per 1,000 gallons8.37
5. Sprinkler: After 20,000 gallons, per 1,000 gallons 10.46

c. Multifamily, as defined in subsection (3):

1. From 2,000 gallons to 20,000 gallons, per 1,000 gallons~~\$7.11~~ 7.15
2. After 20,000 gallons, per 1,000 gallons~~8.48~~ 8.93
3. Sprinkler: Up to 6,000 gallons, per 1,000 gallons 6.69
4. Sprinkler: From 6,000 gallons to 20,000 gallons, per 1,000 gallons8.37
5. Sprinkler: After 20,000 gallons, per 1,000 gallons 10.46

d. Industrial:

1. From 2,000 gallons to 20,000 gallons, per 1,000 gallons~~\$7.11~~ 7.15
2. After 20,000 gallons, per 1,000 gallons~~8.48~~ 8.93
3. Sprinkler: Up to 6,000 gallons, per 1,000 gallons 6.69
4. Sprinkler: From 6,000 gallons to 20,000 gallons, per 1,000 gallons8.37
5. Sprinkler: After 20,000 gallons, per 1,000 gallons 10.46

e. Raw water, per 1,000 gallons~~\$0.68~~ 0.89

f. Starting in October 2021, a three-fourths-percent increase in all water rates, or an increase equal to the CPI inflation index annually, whichever is greater, should be implemented each year.

(3) Apartment houses or multi-family dwellings or multi-unit buildings designed to house two or more families or units shall, unless each unit is separately metered, be charged and billed at the multifamily rate set forth in subsection (2)(c) of this section.

(4) Mobile home parks and trailer courts shall, unless each unit is separately metered, be charged and billed at the commercial rate set forth in subsection (2)(b) of this section.

(5) The rates specified in all water contracts entered into by the city, except those specified in the following subsection (6) shall be charged and billed at the rate of ~~\$4.02~~ 7.15-per 1,000 gallons with no minimum charge per month.

(6) All consumers located outside the corporate limits of the city which have made agreements with the city for water services on an individual basis for an individual consumer shall be charged at a rate that is 1.25 times the rates set forth in subsections (1) and (2) of this section.

(7) ~~If a consumer requests that the meter be reread and such is done and it is determined by the city that the first reading was correct, there shall be a charge of \$16.50 assessed on the next bill of that customer.~~ If a consumer requests that the meter be reread and/or requests a data log and such is done there shall be a charge of \$16.50 assessed on the next bill of that customer. This fee is waived if it is apparent the user has a leak and/or it is determined by the city that the first reading was incorrect. Also, there shall be a charge of \$52.00 if the meter has been pulled for nonpayment of services.

(8) Each new consumer of city water shall pay a nonrefundable water utility service setup charge in the amount of \$10.00 which will be charged to the consumer on the first bill sent to the consumer for water service. Each consumer who desires to have an existing water service transfer shall pay a transfer fee in the amount of \$25.00 which will be billed to the consumer on the first bill for water service at the new address.

(9) Payments will be due 20 days from the billing date.

(10) A late charge of ~~three~~ ten percent will be assessed for an account that has not been paid in full within 20 days from the billing date.

(11) ~~A temporary charge of \$6.30 per month shall be charged to all residential and commercial accounts. This charge shall expire when the water meter program is paid for.~~

Sec. 98-91. - Wastewater charges rates.

The monthly wastewater rates or wastewater charges to be paid by the users of the city sanitary sewer system shall be computed upon the numbers of gallons of water metered to such consumer through the water meter of such consumer and shall be calculated in the following manner:

(1) *Residential.* Residential users shall pay the charge according to the following:

a. First 2,000 gallons, minimum charge, base charge~~\$8.72~~ 18.95

b. Over 2,000 gallons, per 1,000 gallons~~4.15~~ 6.45

c. Rates for residential wastewater service will be calculated based upon average winter usage. ~~Provided, however, that the usage amount upon which the rate is calculated shall not exceed 1.25 times the arithmetical average of the amount of water for which bills were issued during the previous winter period.~~ The winter period shall be between December 1 and through March 31. If a user was not a customer for the entire previous winter period, the average monthly water usage will be the citywide average winter usage for all residential users. Averages will be recalculated May 1 of every year.

(2) *Non-consumers of city water.* Consumers located inside the corporate limits of the city who are provided sanitary wastewater services but are not connected to city water shall pay a charge of ~~\$39.95~~ 49.95 per month. Consumers located outside the corporate limits of the city who are

provided sanitary wastewater services but are not connected to city water shall pay a charge of ~~\$49.94~~ 59.95 per month.

(3) *Multifamily.* Apartment houses or multifamily dwellings or multi-unit buildings designed to house two or more families or units shall, unless each unit is separately metered, pay the charge according to the following:

a. Gallons per month:

1. 0—2,000~~\$34.65~~ 46.60

2. Over 2,000 gallons, for every 1,000 gallons~~4.20~~ 6.50

(4) *Commercial.* Commercial users shall pay the charge according to the following:

a. Gallons per month:

1. 0—2,000~~\$34.65~~ 46.60

2. Over 2,000 gallons, for every 1,000 gallons~~4.20~~ 6.50

b. *Over-strength charges.* Commercial users shall pay \$0.84 per mg/l of TSS, BOD, ammonia, or oil and grease over the maximum concentration of 250 mg/l of TSS or BOD, 30mg/l of ammonia (N), or 200 mg/l of oil and grease.

(5) *Industrial.* Industrial users shall pay the charge according to the following:

a. Gallons per month:

1. 0—2,000~~\$34.65~~ 46.60

2. Over 2,000 gallons, for every 1,000 gallons~~4.20~~ 6.50

b. *Over-strength charges.* Commercial users shall pay \$0.84 per mg/l of TSS, BOD, ammonia, or oil and grease over the maximum concentration of 250 mg/l of TSS or BOD, 30mg/l of ammonia (N), or 200 mg/l of oil and grease.

(6) Mobile home parks and trailer courts shall, unless each unit is separately metered, be charged and billed at the commercial rate.

(7) A late charge of ~~three~~ ten percent will be assessed for an account that has not been paid in full within 20 days from the billing date.

(8) All consumers located outside the corporate limits of the city which have made agreements with the city for wastewater services on an individual basis for an individual consumer shall be charged at a rate that is 1.25 times the rates set forth in this section.

(9) ~~A temporary surcharge shall be added to the monthly customer billing for wastewater services in an amount designed to recover the projected increased debt service and operating costs for the EPA mandated improvement project not otherwise covered by other revenues. Residential users of the wastewater system shall pay a monthly surcharge of \$8.92 on the base 2,000 gallons and \$2.00 per 1,000 gallons for all gallons used over the base 2,000 gallons. Commercial users of the wastewater system shall pay a surcharge of \$6.75 on the base 2,000 gallons and \$2.00 per 1,000 gallons for all gallons used over the base 2,000 gallons. The surcharge shall end at the earlier of the payoff of the debt or at such a time as other revenues of the wastewater fund are sufficient to cover operating expenses and all debt service.~~

Sec. 98-94. - Disconnection of service for nonpayment.

- (a) *Disconnection charges.* If any consumer of utility services furnished by the city does not pay the rates and charges within 20 days following the billing date, the city shall have the authority to disconnect or terminate or cause to be disconnected or terminated all utility services furnished such consumer. A disconnection fee of ~~\$25.00~~ 50.00 shall be assessed on the consumer, ~~in addition to all charges that remain due and payable.~~ if not paid by 5:00 pm on cutoff date listed on cutoff notice. This is in addition to any past due amounts owed on the utility account.
- (b) ~~Reconnection charges. A customer whose utility services have been disconnected for nonpayment must pay a \$25.00 reconnect fee prior to the reconnection of the utility services.~~ *After hours reconnection charges.* If any consumer requests their services be reinstated after business hours, holidays, and weekends an additional reconnection charge of \$50.00 will be collected.

II.

That all provisions of the Code of Ordinances of the City of Palestine, Texas, shall remain in full force and effect save and except as amended by this ordinance.

III.

That the terms and provisions of this ordinance are severable. If any portion of this ordinance be declared invalid or unenforceable, the balance of said ordinance not declared invalid or unenforceable, will remain in full force and effect.

IV.

That this ordinance shall be effective April 1, 2023, after publication as required by City Charter.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Palestine, Texas, at a regular meeting held on this the 12th day of December, 2022.


JUSTIN FLORENCE
MAYOR

ATTEST:


APRIL JACKSON
CITY SECRETARY

APPROVED AS TO FORM:

/s/ Gary Landers
GARY LANDERS
CITY ATTORNEY

