

## **ORDINANCE NO. 2148**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES; INCREASING THE RATES CHARGED FOR WATER SERVICE; INCREASING THE RATES CHARGED FOR WASTEWATER SERVICE; INCREASING THE RATES CHARGED FOR SOLID WASTE AND RECYCLING COLLECTION AND DISPOSAL SERVICES; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY FOR VIOLATIONS AND SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL STATE; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION**

**WHEREAS** the City of Portland operates a water and wastewater utility system to provide essential services to the residents of Portland and certain areas of our extraterritorial jurisdiction; and,

**WHEREAS** the debt generated by capital projects, along with the maintenance and operations, must be supported sufficiently by utility rates; and

**WHEREAS** the costs of increased investment in capital projects must be recovered through appropriate utility rate increases to ensure financial health and the integrity of the system; and

**WHEREAS** the City of Portland contracts for services providing the collection of solid waste and recycling and disposal services as part of its essential services provided to the residents and businesses of Portland; and

**WHEREAS** the costs of contracted services must be recovered through appropriate solid waste and recycling collection and disposal rate increases to ensure financial health and the integrity of the service.

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

**SECTION 1:** That Chapter 23, Article II, Section 23-41(a)(4) of the Code of Ordinances of the City of Portland is hereby amended to read as follows:

(4)

**Table 1. Water and Wastewater Minimum Base Charges**

	<b>Meter Size</b>	<b>WATER</b>	<b>WASTEWATER</b>
<b>Residential</b>	.0625 inch to 2.0 inch	\$16.02	\$32.96
<b>Commercial</b>	.0625 inch to .75 inch	\$18.82	\$39.93
	1.0 inch	24.32	53.10
	1.5 inch	38.05	85.98
	2.0 inch	54.55	125.44
	3.0 inch	93.05	217.52
	4.0 inch	148.05	349.10
	6.0 inch	285.54	677.98

Raw Water accounts, any meter size, will have a minimum monthly charge of \$147.55.

**Table 2. Solid Waste Charges**

**Monthly Residential Cart Collection Rates**

One trash (96gal) and one recycle cart (96gal)	\$16.50
Additional Solid Waste Cart (96 gal) at Location	13.30
Additional Recycling Cart (96gal) at Location	13.30
Extra Brush or Bulky Collection at Location (per "claw" grab)	75.05
Administrative/billing fee per Location	2.50

**Monthly Commercial Cart Collection Rates**

One trash (96gal) and one recycle cart (96gal)	\$25.59
Additional Solid Waste Cart (96gal) at Location	17.16
Additional Recycling Cart (96 gal)at Location	17.16
Administrative/billing fee per Location	3.06

**20,30,&40-Yard Roll-Off (open top) Dumpster Rates<sup>(1)</sup>**

Delivery	\$89.63
Monthly Service	107.55
Haul Rate	237.81
Disposal Fee per Ton	35.85

**17-Yard Roll-Off (open top) Dumpster Rates<sup>(1)</sup>**

Delivery	\$89.63
Monthly Service	107.55
Haul Rate	209.13
Disposal Fee per Ton	35.85

**Commercial Services - Dumpster Fees**

Container Size	Weekly Collection Frequency					
	1	2	3	4	5	6
2 yd	\$69.84	\$125.02	\$171.33	\$231.39	\$285.41	\$331.12
3 yd	102.66	171.23	273.91	353.54	435.94	510.89
4 yd	121.16	228.35	325.60	433.63	541.63	648.11
6 yd	161.99	331.12	504.68	674.35	845.80	1,001.64
8 yd	184.43	433.53	652.74	868.80	1,084.81	1,300.88
6 yd Rec	137.43	233.03	n/a	n/a	n/a	n/a
8 yc Rec	149.38	244.98	n/a	n/a	n/a	n/a

**Miscellaneous Fees <sup>(1)</sup>**

Overload Fee (per occurrence)	\$59.75
Extra Lift (per customer request)	95.60
Relocation Fee (per customer request)	59.75
Exchange Fee (per customer request)	59.75
Auto-lock Fee (one-time cost per customer)	59.75
Delivery Fee	59.75

(1) – Rates include an administrative/billing fee of 19.5% per container per account per month.

All fees will be effective upon adoption of ordinance.

**SECTION 2:** That Chapter 23, Article II, Division 2, Section 23-41(b) is hereby amended to read as follows:

(b) New “master meter” systems (where many entities or units are served through one meter) shall only be allowed with prior written approval of the city manager and finance director. All “master meter” systems for apartments, multi-family units and commercial entities shall be charged a monthly minimum rate of twenty eight dollars and eighty cents (\$28.80) for water (plus usage as outlined in Table 3). Apartment complexes (5 units and up) and commercial accounts on master meters will be charged a per-unit charge of twenty-two dollars and seventy-two cents (\$22.72) for wastewater (plus usage as outlined in Section 23-42). Multi-family units of 2 to 4 units will be charged thirty-three dollars and thirty-seven cents (\$33.37) per unit for wastewater (plus usage as outlined in Section 23-42). There will not be any amount of usage included in the minimum monthly bill. The per-unit charges will not vary based on occupancy of the unit. Minimum solid waste service for master metered units shall be established by the city, based on a projected volume of waste.

**SECTION 3:** That Chapter 23, Article II, Division 2, Section 23-42(a) is hereby amended to read as follows:

- (a) *Water.* Water usage (per metered connection) for each one thousand (1,000) gallons or part thereof shall be billed as stated in Table 3.

***Table 3. Water Usage Charges per Thousand Gallons***

	Potable Water	Raw Water
0 to 13,000	\$3.51	\$3.73
13,001 to 25,000	3.57	3.73
25,001 to 40,000	3.78	3.73
40,001 and up	4.06	3.73

- (b) *Wastewater.* All residential customers shall be charged a wastewater discharge usage fee of one dollar and seventeen cents (\$1.17) per one thousand (1,000) gallons of average monthly consumption. The average monthly consumption is defined as either the system-wide single-family residential average or the specific single-family residential location average for the previous months of December, January and February. Commercial customers shall be charged a wastewater discharge usage fee of one dollar and seventeen cents (\$1.17) per one thousand (1,000) gallons of actual usage each month.

**SECTION 4. REPEALER:** All previously adopted rules, regulations, policies and ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 5. SEVERABILITY**

If any provision, section, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

**SECTION 6.**

Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars (\$500.00). Each and every day that a violation of this Ordinance occurs shall constitute a separate offense. The culpable mental state required by Chapter 6.02, Texas Penal Code, is specifically negated and dispensed with and a violation is a strict liability offense.

**SECTION 7. PUBLICATION AND EFFECTIVE DATE**

This Ordinance shall be published after second reading hereof by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall be in full force and effect after passage and publication.

**PASSED** and **APPROVED** this the 7<sup>th</sup> day of February, 2017.

**CITY OF PORTLAND**

*David R. Krebs*

David Krebs  
Mayor

**ATTEST:**

*Annette Hall*

Annette Hall  
City Secretary

