

ORDINANCE NO. 2016-____

**AMENDING THE CITY OF ROCKSPRINGS UTILITY CODE
ORDINANCE NO. 2013-13, 2012-12 2011-7, 2010-03, 2008, 2007-06**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKSPRINGS, TEXAS:
The City of Rocksprings Utility Code is adopted to read as follows:**

CHAPTER 1. GENERAL PROVISIONS

SECTION A. DEFINITIONS

1.1. Definitions.

As used in this code—

- A. City means the City of Rocksprings, Texas, a Type A General Law municipality located in Edwards County.
- B. Code means this City of Rocksprings Utility Code.
- C. Consumer means a person who receives a utility service from the city at a point of delivery located within the corporate limits of the city.
- D. Food service establishment means a place that as a principal business prepares food and sells, offers to sell, or serves it to the public for consumption on or off the premises.
- E. Garbage means solid waste consisting of putrescible animal or vegetable material resulting from the handling, preparation, cooking, and consumption of food, but does not include hazardous waste.
- F. Hazardous waste means any solid waste identified or listed as hazardous waste by the administrator of the United States Environmental Protection Agency pursuant to federal law.
- G. Person means an individual, partnership, trust, unincorporated association, limited liability company or corporation.
- H. TCEQ means the Texas Commission on Environmental Quality its successors or assigns.
- I. Utilities mean city water, sewer, or waste collection or disposal service.
- J. Winter average consumption means average monthly consumption of water in excess of 2,000 gallons during the months of November, December, and January preceding the commencement of a city fiscal year.
- K. A sprinkler system is a meter that is set up with a back flow preventer or an air gap to meet the Texas State Board of Plumbing Examiners. It does not supply water to a house.
- L. Equivalent Flow is a term referring to how much water and water pressure flows through meters of different sizes.

SECTION B. PROVISIONS APPLICABLE TO ALL UTILITIES

1.2. Deposit for Service,

- A. Upon application for any utility service, as a condition to the extension of service, the applicant must deposit with the city the sum of \$85.00, in cash, which may be applied by the city to the payment of the person's delinquent utility bills. If so applied, the deposit must be restored to the original amount by the person. A deposit does not bear interest.
- B. A depositor who has not received a notice of delinquency within the preceding 6 months, will no longer be eligible for a refund of their deposit. However subsection (C) below will apply.
- C. A deposit which has not been applied or refunded in accordance with subsections (A) or (B) of

this section shall be refunded to the depositor when services to the depositor are discontinued.

- D. The deposit may be waived under certain conditions if the applicant for a utility service is already receiving a utility service and is in good standing with the city.
- E. A \$15.00 fee shall also be included as an account setup fee for a total of \$100.00.
- F. A meter that supplies water to a house is not considered to be on a sprinkler system and will not be eligible for the sprinkler rate.

1.03. No Free Service.

The city does not provide free utility services.

1.04. Billing and Payment for Services.

- A. The city will mail a bill for the fees and charges prescribed by this code to each person receiving service on or as soon as practicable after the first business day of each month. Failure to receive a bill does not relieve a person receiving service from liability for payment of the fees and charges within the time prescribed by this section for payment of the bill.
- B. A bill is due and payable on the fifteenth day of each month, but if that day is a Saturday, Sunday, or city holiday, the bill is due and payable on the first business day following the fifteenth day of the month. A bill which is not paid on its due date is delinquent. If a bill is delinquent, a late payment charge of \$10.00 is imposed on the person receiving service.
- C. If a person receiving service pays a bill by check which is returned unpaid for insufficient funds, a processing fee of \$30.00 is imposed on the person receiving service.

1.05 Delinquent Accounts; Termination of Service.

- A. On or as soon as practicable after the first business day after the date on which a bill is delinquent, the city will send a notice of delinquency to the person receiving service. The notice must:
 - (1) state the amount of the delinquency,
 - (2) advise the person that utility services will be terminated on a specified date,
 - (3) advise the person that service, once terminated, will not be reinstated except upon payment of the delinquent amount plus the disconnect fee, and
 - (4) advise the person that they may address the city council for a maximum of two minutes at the next regular meeting
- B. If a person believes a bill is erroneous, the person may contact the office personnel to arrange for a hearing of the disputed bill by the city council. If the person has received a notice of delinquency, the person must, to avoid termination of service, either pay the amount of the delinquency or request a hearing before the city council, on or before the termination date specified in the notice, service will not be terminated pending a hearing timely requested by a person.
- C. If a person requests a hearing on a disputed bill, the office personnel shall schedule the hearing for the next regular city council meeting which occurs at least 5 days after the person's request for a hearing. The person is not entitled to any notice of the hearing other than the posting of the agenda in accordance with the Texas Open Meetings Act. At the hearing, the person has the right to offer evidence, either in documentary form or by the testimony of witnesses, and the right to cross-examine witnesses for the city. A hearing is open to the public. At the conclusion of the hearing, the city council shall announce its decision.
- D. If the city council finds that the bill is erroneous, the city council shall make proper adjustments, and the adjusted amount is due and payable on the next business day following the date of the hearing, or on any later date specified by the city council in its decision. If the adjusted amount is not paid by its due date, and the person has received a notice of termination of utilities concerning the bill which was adjusted, the city may terminate utilities services without any additional notice. If the city council finds that the bill is correct, the amount of the bill is due and payable on the next business date; if the bill is not paid by its due date, and if the person has received a notice of termination of utilities, the city may terminate utilities services without further notice.

- E. If service is terminated, it shall not be reinstated until the person has paid the amount of the delinquency plus the reconnect fee, and, if the person’s deposit has been applied to the account or refunded, another deposit must be made. A person whose service has been terminated for nonpayment is not entitled to service at another service address unless the person pays the amount of delinquency plus the reconnect fee.

1.06. Amendment of Rates and Charges.

- A. Any rate or charge prescribed or imposed in this code may be increased or decreased by the city council by:
 - (1) the adoption of an ordinance amending this code; or
 - (2) without the necessity of adoption of an amending ordinance, by posting in accordance with subsection (B) of this section an amended rate schedule for the particular utility.
- B. An amended rate schedule which is to become effective after posting must be posted in plain public view in the office of the city secretary, and, if the rate schedule pertains to waste collection or disposal, at the city transfer station, at least 15 days prior to the effective date of the amendment. The city secretary shall note on the rate schedule and the date of posting, sign it, and retain a copy of the signed and posted schedule in the ordinance book.
- C. The rates and charges published in an amended rate scheduled which is approved and posted in accordance with this section, take effect on the later of the date stated in the rate schedule, or the expiration of 15 days from the date of posting.

SECTION C. FIRE PROTECTION SURCHARGE

1.07. Imposition of Surcharge for Fire Protection.

- A. The amount of the surcharge is \$1.50.
- B. The surcharge is charged on the consumer’s utility bill and is due and payable with the amount of the bill.

1.08. Use of Revenues.

Revenues will be turned over to the fire department on a quarterly basis.

CHAPTER 2. WATER SERVICE

SECTION A. RATES AND CHARGES

2.01. Water Rates

- A. The city will charge and collect from residential consumers with no larger than a ¾” meter the following uniform monthly rates for water service, until the rates are amended:

Monthly Usage	Charge
0- Gallons Base Rate	9.79
1-5,000 (Per 1000)	1.25
5,001-10,000 (Per 1000)	1.43
10,001 - 20,000 (Per 1000)	1.75
20,001-30,000 (Per 1000)	2.30
30,001-40,000 (Per 1000)	3.38
40,001-50,000 (Per 1000)	4.18
50,001 or more (Per 1000)	4.73

- B. The city will charge the same water rate for a sprinkler system plus the \$1.50 fire fee.
- C. The city will adjust the **base** water rate for consumers, residential or commercial who maintain a meter larger than ¾” (inch) standard according to the equivalent flow of water that runs through larger meters. The equivalent breakdown is as follows:

Equivalent Flow Breakdown	Charge
1” = 2.5 times the amount of flow	24.49

1-1/2" = 5 times the amount of flow	48.95
2" = 8 times the amount of flow	78.32
2-1/2" = 12 times the amount of flow	117.48
3" = 15 times the amount of flow	146.85
4" = 25 times the amount of flow	244.75

D. The city may, if the city council specifically finds that there is an adequate supply of water, furnish water service to a person at a point of delivery outside the corporate limits of the city as long as the supply is adequate for consumers' needs. A person who receives water service at a point of delivery outside the corporate limits of the city must pay a monthly charge equal to the amount of month charge the person would pay for consumption inside the city limits.

2.02. Water Connection Fees.

- A. The city will collect the following fees for connecting a person to the city water system:
 - **3/4" water tap-\$200.00, adding that the fee increases to \$250.00 if the construction requires cutting across the street**
 - **1" water tap-\$250.00, adding that the fee increases to \$300.00 if the construction requires cutting across the street**
 - **2" water tap-\$450.00, adding that the fee increases to \$500.00 if the construction requires cutting across the street**
- B. For a meter larger than 2 inches in diameter—
 - (1) a fee equal to the cost of labor and materials plus 10 percent of the cost of labor and materials if the connection is within the corporate limits of the city; or
 - (2) A fee equal to the cost of labor and materials plus 25 percent of the cost of labor and materials if the connection is outside the corporate limits of the city.

2.03. Disconnect Fees.

The city charges and will collect a fee of \$25.00 for reconnecting a person to the city water system. The reconnect fee is due and payable for nonpayment of a bill. Payment of the reconnect fee is a condition to resumption of service to the person.

SECTION B. REGULATION OF WATER SERVICE

2.4. Installation and Disconnection.

A meter may be installed and service instituted or disconnected only by the city. The consumer must pay in full for the installation process to begin.

2.5. Separate Meters.

Each single-family residence and each place of business (including a multi-family building) must have a separate water connection and water meter. If a consumer shares a meter with a person who is required by this section to have a separate connection and meter, the city will terminate service to the consumer upon 10 days' written notice, unless within that 10-day period the consumer terminates the sharing arrangement and the termination is verified by inspection.

2.07. Connection to Sewer System.

Except on a temporary basis during construction of improvements, or unless connection to the city sewer system is impractical because of the effects of gravity, the city will not provide water service to a consumer if the property for which water service is requested is not connected to the city sewer system.

CHAPTER 3. SEWER SERVICE

SECTION A. RATES AND CHARGES

3.1. Sewer Rates.

- A. The city will charge and collect from persons receiving sewer service the following uniform monthly rates for sewer service, until the rates are amended:

Amended Rates as of January 1, 2013

<u>Monthly Usage</u>	<u>Charge</u>
0-1000 Gallons of Water	\$14.71
1001-5000 Gallons of Water	\$1.25
5001-10,000 Gallons of Water	\$1.25
10,001-20,000 Gallons of Water	\$1.25
20,001-30,000 Gallons of Water	\$1.25
30,001-40,000 Gallons of Water	\$1.25
40,001-50,000 Gallons of Water	\$1.25
50,000 Gallons or more	\$1.25

- B. Sewer rates as of June 2013 will be based on the base sewer charge and usage (\$14.71) over 1000 gallons is averaged over the customers most recent 12 month average water usage in accordance with city council's revised averaging system implemented June 10, 2013.
- C. **Sewer Surcharge Rate:** A \$10.00 surcharge shall be applied to each additional mobile or affixed unit (RV, travel trailer, mobile home, etc.) on a utility consumer's property that has access to consumer's sewer service.

3.2. Connection Fees.

- A. The city provides sewer service from the main to the person's property line. The city charges and will collect the following fees for connecting a person to the city sewer system:
- 4" sewer tap increase-from \$200.00 to \$250.00, adding that the fee increases to \$350.00 if the construction requires cutting across the street.
 - 6" will require an estimate that will be quoted to the customer and collected before construction begins.
- B. Connections to the city's infrastructure must be completed by the city as per TCEQ guidelines.

CHAPTER 4. WASTE COLLECTION AND DISPOSAL

SECTION A. RATES AND CHARGES

4.1. Collection Fees.

- A. The city charges and will collect from each consumer a monthly waste collection fee, to defray the cost of waste collection and disposal services. The consumer owes the fee even if the consumer declines waste collection service.
- B. The amount of the fee for removal of garbage is:
- 1) **\$20.00** if the service address is a single-family residence; this service is limited to a maximum of 4 bags of garbage per week.
 - 2) **\$29.25** if the service address is a multi-family dwelling or a professional or Business office which does not require regular trash collection more than one time per week.
 - 3) **\$39.50** if the service address is a commercial or retail establishment other than a food service establishment, this requires regular collection more than one time, but not more than two times per week.
 - 4) **\$47.25** if the service address is a food service establishment, or retail or commercial establishment which requires regular collection three or more times per week.
 - 5) **\$47.25** if no other monthly waste collection fee is prescribed for the consumer in this subsection.

- 6) **\$20.00 plus \$1.65 tax** for County residents that set up accounts to bring in their trash to the transfer station for a maximum of four bags weekly. Extra bags will be \$3.00 each.
 - 7) Brush pick-up is included in the garbage fee and will be picked up as employees have time.
- C. A person without an account who transports garbage or refuse to the city transfer station for disposal must pay to the transfer station attendant at the time of disposal the following fee:
- (1) \$18.00 per pickup truck load (not exceeding 4 ft. x 6 ft. x 2 ft.);
 - (2) \$9.00 per foot for each additional foot above 1 foot per pickup truckload;
 - (3) for trailer loads 6 ft. wide by 10 ft. long:
 - a) by 2 feet high, \$45.00
 - b) by 4 feet high, \$90.00
 - c) by 6 feet high, \$135.00
 - d) for each additional foot in height, \$22.50;
 - (4) For trailer loads 6 feet wide by 15 feet long:
 - a) by 2 feet high, \$67.50
 - b) by 4 feet high, \$135.00
 - c) by 6 feet high, \$202.50
 - d) for each additional foot in height, \$33.75;
 - (5) for trailer loads 6 feet wide by 20 feet
 - a) by 2 feet high, \$90.00
 - b) by 4 feet high, \$180.00
 - c) by 6 feet high, \$270.00
 - d) each additional foot in height, \$45.00;
 - (6) \$6.75 for each appliance which does not contain Freon, and each water heater;
 - (7) \$30.00 for each appliance which contains Freon;
 - (8) \$3.00 per tire smaller than 15" and \$8.00 per 15" or larger tires;
 - (9) \$3.00 each for up to 4 trash bags (2 ½ feet by 3 feet), but if the number of trash bags exceeds 4, then \$9.00 per cubic yard;
 - (10) \$.50 per oil filter and \$.50 per gallon of used oil;
 - (11) For fluorescent lamps:
 - a) 4 feet and under, \$0.50 each;
 - b) Over 4 feet, \$1.00 each;
 - c) Shielded, \$1.00 each;
 - d) U-bend or circular, \$0.75;
 - (12) \$3.00 for each High Intensity Discharge lamp;
 - (13) \$0.50 for each Incandescent lamp.

SECTION B. WASTE COLLECTION REGULATIONS

4.02. **Collection.**

- A. The city will collect garbage and refuse from a consumer's premises if the waste is placed for collection in compliance with the regulations contained in this section.
- B. Collections are made;

- (1) once per week if the service address is a residence, multi-family dwelling, or business or professional office;
- (2) twice per week if the service address is a commercial or retail establishment other than a food service establishment;
- (3) three times per week if the service address is a food service establishment;
- (4) At other intervals by prior arrangement with the city.

C. A consumer must:

- (1) Provide a container for garbage, such container being of a sufficient capacity to accommodate and securely keep all garbage that may accumulate from the consumer's premises;
- (2) Place the container in a location in the city right-of-way accessible for pick-up, but not in a location which will require a city employee to enter onto the consumer's premises or in a location that obstructs a public street or sidewalk;
- (3) Place all garbage in garbage bags, tied and closed securely, inside the container and maintain garbage bags and container in a sanitary condition;
- (4) Place the container out to be collected before 8:00 a.m. on the consumer's designated collection day.

D. Garbage that will not be collected:

- (1) No container of any shape, size or form will be picked up, emptied and returned by city personnel.
- (2) Garbage bags totaling weight in excess of 40 pounds.
- (3) Garbage or trash not securely placed that may be subject to being blown by wind from its place of deposit for collection.
- (4) Any hazardous waste. Hazardous waste must be properly disposed of by the consumer at the consumer's expense.

THIS ORDINANCE TAKES EFFECT ON THE DATE OF ITS PASSAGE.

PASSED, APPROVED, and ADOPTED this _____ day of February, 2016.

Pauline Gonzales

Pauline Gonzales, Mayor

ATTEST:

Romana R Bienek

Romana R. Bienek, City Secretary