

ORDINANCE NO. 2009- 06

AN ORDINANCE ESTABLISHING MANDATORY SERVICE, APPLICATION PROCEDURES, FEES, RESIDENTIAL AND COMMERCIAL RATES, OUTSIDE OF CITY RATES, HIGH VOLUME USER RATES, ACCESS FEES, PENALTIES AND FINES A, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE FOR THE CITY OF PEÑITAS WASTEWATER COLLECTION AND TREATMENT SYSTEM.

**I. SERVICE REQUIRED**

All permitted uses (residential, commercial, industrial, institutional etc.) within the city limits of the City of Peñitas are required to connect to the city's Waste Water Collection and Treatment System and pay the fees herein established. Failure to comply may result in legal enforcement actions and fines as described in Section VII of this ordinance.

**II. APPLICATION PROCEDURE**

A. All Wastewater service applications are to be completed and turned into the City of Peñitas at the Peñitas City Hall on a form prescribed by the city. Processing of applications and setting up of accounts with the Agua Special Utility District shall be done by city staff upon completion of the proper application process including new subdivisions, new accounts for existing structures and new structures to be constructed.

B. There shall be no fee for filling out and submitting an application.

**III. METODOLOGY FOR FEE/RATES**

A. All wastewater system rates are designed on the premise that the city's wastewater collection and treatment system is an independent enterprise fund and needs to generate funds sufficient to cover the city's maintenance, repair, operation and debt service of the system as well as allowing for the establishment of a reserve fund to cover any unforeseen expenses so as not to burden the city's other funds and ultimately the city's tax payers/residents.

B. The wastewater system fees are divided into two categories; access fees and consumer fees.

1. Access fees are based on the size of the connection both in actual pipe size used to connect and the size in acres/lots to be connected.

- 2. Consumer fees are based on the amount of wastewater to be treated as determined by adding a base fee to number of gallons to be treated based on a percentage of water used on the assumption that a certain amount of water used eventually ends up in the wastewater system. The percentage of gallons to be charged shall be 80% of water consumed.
- C. Access fees and consumer fees for areas outside the corporate limits of the City of Peñitas will be assessed a surcharge above the fees established for services to the city’s consumers.
- D. The size of the water connection (meter ) allowed or required will be recommended by the city, however the ultimate decision will be determined by the Agua SUD and their existing policies. The rates charged by the City of Peñitas on the base and consumption will be based on the meter size installed not on the meter size requested by the customer.

**IV. FEES**

- A. All initial system customers connected to the city’s wastewater system with the USDA Grant/Loan will not be charged any access fees, connection fees or account set up fees.
- B. Access fees are to be assessed and collected by the City of Peñitas at City Hall not at the Agua SUD.
- C. Consumer fees are to be assessed and collected by the Agua SUD in accordance with the city’s ordinance and Interlocal Collection Agreement with the Agua SUD.
- D. If an account is closed for any reason and a subsequent reinstatement of service is scheduled, the customer must first pay a \$ 10.00 reinstatement fee.

**V. RESIDENTIAL RATES**

**a. IN CITY BASE RATE AND CONSUMPTION RATES**

CONNECTION SIZE	BASE RATE*
5/8" & 3/4"	\$ 16.50
1"	\$ 20.00
1 1/2"	\$ 30.00
2" & OVER	\$ 45.00

GALLONS OF WATER	RATE
0 - 3000	NO CHARGE
3001 - 7000	\$ 1.35 PER THOUSAND
7001 - 12000	\$ 1.55 PER THOUSAND
12001 - 16000	\$ 1.75 PER THOUSAND
16001 - AND OVER	\$ 2.00 PER THOUSAND

**b. OUTSIDE OF CITY BASE RATE AND CONSUMPTION RATES**

<b>CONNECTION SIZE</b>	<b>BASE RATE*</b>
<b>5/8" &amp; 3/4"</b>	<b>\$ 19.80</b>
<b>1"</b>	<b>\$ 24.00</b>
<b>1 1/2"</b>	<b>\$ 36.00</b>
<b>2" &amp; OVER</b>	<b>\$ 54.00</b>

<b>GALLONS OF WATER</b>	<b>RATE</b>
<b>0 - 3000</b>	<b>NO CHARGE</b>
<b>3001 - 7000</b>	<b>\$ 1.60 PER THOUSAND</b>
<b>7001 - 12000</b>	<b>\$ 1.85 PER THOUSAND</b>
<b>12001 - 16000</b>	<b>\$ 2.10 PER THOUSAND</b>
<b>16001 - AND OVER</b>	<b>\$ 2.45 PER THOUSAND</b>

**COMMERCIAL RATES**

**a. IN CITY**

<b>CONNECTION SIZE</b>	<b>BASE RATE*</b>
<b>5/8" &amp; 3/4"</b>	<b>\$ 25.00</b>
<b>1"</b>	<b>\$ 45.00</b>
<b>1 1/2"</b>	<b>\$ 60.00</b>
<b>2"</b>	<b>\$ 75.00</b>
<b>2 1/2'</b>	<b>\$ 100.00</b>
<b>3"</b>	<b>\$ 150.00</b>
<b>4"</b>	<b>\$ 225.00</b>
<b>6"</b>	<b>\$ 275.00</b>
<b>ANY SIZE LARGER THAN 6"</b>	<b>\$ 325.00</b>

<b>GALLONS OF WATER</b>	<b>RATE</b>
<b>0 - 3000</b>	<b>NO CHARGE</b>
<b>3001 - 8000</b>	<b>\$ 1.75 PER THOUSAND</b>
<b>8001 - 15000</b>	<b>\$ 2.00 PER THOUSAND</b>
<b>15001 - 20000</b>	<b>\$ 2.25 PER THOUSAND</b>
<b>20001 - AND OVER</b>	<b>\$ 2.75 PER THOUSAND</b>

**b. OUTSIDE OF CITY**

<b>CONNECTION SIZE</b>	<b>BASE RATE*</b>
<b>5/8" &amp; 3/4"</b>	<b>\$ 35.00</b>
<b>1"</b>	<b>\$ 60.00</b>
<b>1 1/2"</b>	<b>\$ 75.00</b>
<b>2"</b>	<b>\$ 100.00</b>
<b>2 1/2'</b>	<b>\$ 150.00</b>
<b>3"</b>	<b>\$ 225.00</b>
<b>4"</b>	<b>\$ 275.00</b>
<b>6"</b>	<b>\$ 325.00</b>
<b>ANY SIZE LARGER THAN 6"</b>	<b>\$ 400.00</b>

<b>GALLONS OF WATER</b>	<b>RATE</b>
<b>0 - 3000</b>	<b>NO CHARGE</b>
<b>3001 - 8000</b>	<b>\$ 1.85 PER THOUSAND</b>
<b>8001 - 15000</b>	<b>\$ 2.15 PER THOUSAND</b>
<b>15001 - 20000</b>	<b>\$ 2.45 PER THOUSAND</b>
<b>20001 - AND OVER</b>	<b>\$ 2.95 PER THOUSAND</b>

**c. HIGH VOLUME USERS**

High volume users are defined as any business enterprise that traditionally uses a high volume of water that could end up in the city's WWTP and thus justify a higher rate category (i.e. Laundromat, carwash, etc.)

<b>CONNECTION SIZE</b>	<b>BASE RATE*</b>
<b>5/8" &amp; 3/4"</b>	<b>\$ 35.00</b>
<b>1"</b>	<b>\$ 60.00</b>
<b>1 1/2"</b>	<b>\$ 75.00</b>
<b>2"</b>	<b>\$ 100.00</b>
<b>2 1/2'</b>	<b>\$ 150.00</b>
<b>3"</b>	<b>\$ 225.00</b>
<b>4"</b>	<b>\$ 275.00</b>
<b>6"</b>	<b>\$ 325.00</b>
<b>ANY SIZE LARGER THAN 6"</b>	<b>\$ 400.00</b>

<b>GALLONS OF WATER</b>	<b>RATE</b>
<b>0 - 3000</b>	<b>NO CHARGE</b>
<b>3001 - 8000</b>	<b>\$ 1.85 PER THOUSAND</b>
<b>8001 - 15000</b>	<b>\$ 2.15 PER THOUSAND</b>
<b>15001 - 20000</b>	<b>\$ 2.45 PER THOUSAND</b>
<b>20001 - AND OVER</b>	<b>\$ 2.95 PER THOUSAND</b>

## **VII. ACCESS FEES**

- A. All new developments connecting to the city's sanitary sewer collection and treatment system must pay an access fee as follows:
  - 1. Residential subdivisions in the corporate limits of the city will pay a general access fee of \$ 125 per acre or portion thereof plus \$ 50 per lot.
  - 3. Commercial subdivisions in the corporate limits of the city will pay a general access fee of \$ 200 per acre or portion thereof plus \$ 100 per lot.
  - 4. Residential subdivisions outside the corporate limits of the city will pay a general access fee of \$ 200 per acre or portion thereof plus \$ 75 per lot.
  - 5. Commercial subdivisions outside the corporate limits of the city will pay a general access fee of \$ 250 per acre or portion thereof plus \$ 100 per lot.
  - 6. Subdivisions that have a combination of uses will be assessed at the higher of the two rates.
  - 7. Any uses other than residential and commercial will pay the .
- B. Any single residential lots not connected as part of the initial USDA Grant/Loan project will be assessed a an access fee of \$ 75.00 to be charged as part of the building permit process.
- C. Any single commercial lots not connected as part of the initial USDA Grant/Loan project will be assessed a an access fee of \$ 125.00 to be charged as part of the building permit process.

## **VII. PENALTIES AND FINES**

Any violations of this ordinance shall be prosecuted in the city's municipal court or court with higher jurisdiction if applicable. Violations of this ordinance shall be classified as a Class C misdemeanor subject to the maximum penalty allowed by state statute.

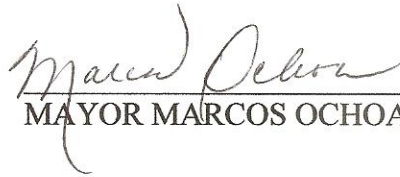
## **VIII. SEVERABILITY**

If any court of competent jurisdiction determines any section or sections of this ordinance to be invalid or contrary to constitutional authority unaffected sections of the ordinance shall remain in full force and effect.

**IX. EFFECTIVE DATE**

This ordinance shall go into full force and effect ten days after publication of the caption in a paper of local circulation.

READ, PASSED AND APPROVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PEÑITAS, HIDALGO COUNTY, TEXAS ON THIS THE 30<sup>TH</sup> DAY OF JUNE, 2009 AT A SPECIAL CALLED MEETING AT WHICH A QUORUM OF THE COUNCIL WAS PRESENT.

  
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MAYOR MARCOS OCHOA

ATTEST:

  
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CITY SECRETARY DINA GARCIA