

## ORDINANCE NO. 2014- 005

AN ORDINANCE AMENDING ORDINANCE 2013-007 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, WAIVING OF THE REQUIREMENT FOR SECOND AND THIRD READING, 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. METHODOLOGY 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 100% 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 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 Inter-local 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. WASTE WATER RATES

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

###### STANDARD RESIDENTIAL SIZE METER OF 5/8" AND 3/4"

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$17.00	Gallons 0 -1,999 \$ 0.0 Charge
\$17.00	Gallons 2,000 and over \$2.53 per 1,000

###### COMMERCIAL METER SIZE OF 5/8" AND 3/4:

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$30.00	\$2.73

###### COMMERCIAL METER SIZE OF 1"-RESIDENTIAL METER EQUIVALENT=2.5 METERS

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$70.00	\$2.73

**COMMERCIAL METER SIZE OF 2" - RESIDENTIAL METER EQUIVALENT=8.0 METERS**

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$225.00	\$2.73

**COMMERCIAL METER SIZE OF 4" - RESIDENTIAL METER EQUIVALENT=25.0 METERS**

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$675.00	\$2.73

## b. OUT OF CITY LIMITS BASE RATE AND CONSUMPTION RATES

**STANDARD SIZE METER OF 5/8" AND 3/4"**

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$20.00	\$2.73

**COMMERCIAL METER SIZE OF 5/8" AND 3/4:**

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$37.00	\$2.93

**COMMERCIAL METER SIZE OF 1"-RESIDENTIAL METER EQUIVALENT=2.5 METERS**

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$100.00	\$2.93

**COMMERCIAL METER SIZE OF 2" - RESIDENTIAL METER EQUIVALENT=8.0 METERS**

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$300.00	\$2.93

**COMMERCIAL METER SIZE OF 4" - RESIDENTIAL METER EQUIVALENT=25.0 METERS**

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$1,000.00	\$2.93

## C. FLAT RATE - Any customer not using an Agua SUD approved meter shall be charged a flat rate as follows:

Residential Accounts: Flat Rate \$ 17.00 plus \$ 21.00 for consumption for a total of \$ 38.00  
 Commercial Accts: Flat Rate \$ 25.00 plus \$ 30.00 for consumption for a total of \$ 55.00

## VI. 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 \$ 150 per acre or portion thereof plus \$100 per lot.
  2. Commercial subdivisions in the corporate limits of the city will pay a general access fee of \$ 200 per acre or portion thereof plus \$ 150 per lot.
  3. Residential subdivisions outside the corporate limits of the city will pay a general access fee of \$ 200 per acre or portion thereof plus \$ 125 per lot.
  4. Commercial subdivisions outside the corporate limits of the city will pay a general access fee of \$ 250 per acre or portion thereof plus \$ 200 per lot.
  5. Subdivisions that have a combination of uses will be assessed at the higher of the two rates.
  6. Any uses other than residential and commercial will pay the higher of the two rates.
- B. Any single residential lots not connected as part of the initial USDA Grant/Loan project will be assessed an access fee of \$ 225.00 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 \$ 275.00 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

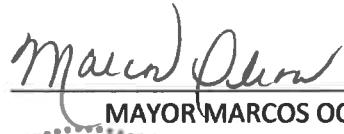
If any court of competent jurisdiction determines any section or sections of this ordinance to be invalid or contrary to constitutional authority unaffected sections of the ordinance shall remain in full force and effect.

- IX. The City Charter requirement that all ordinances be read, considered and approved on three separate readings is hereby waived by a majority vote of the City Council as allowed by City Charter Section 2.13 (b).

X. EFFECTIVE DATE

This ordinance shall go into full force and effect immediately upon approval by a majority vote of the City Council at a meeting at which a quorum was present

READ, PASSED AND APPROVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PENITAS, HIDALGO COUNTY, TEXAS ON THIS THE 1<sup>ST</sup> DAY OF OCTOBER, 2014 AT A REGULAR CALLED MEETING AT WHICH A QUORUM OF THE COUNCIL WAS PRESENT.



MAYOR MARCOS OCHOA

ATTEST:



CITY SECRETARY ANA VALDEZ



I, Ana Valdez, City Secretary for the City of Peñitas, do hereby certify that this is a true and correct copy of Ordinance No. 2014-005 which was read, considered, and approved at the Regular Called Meeting of the City Council held on October 1, 2014 at which a quorum was present.

*Ana M. Valdez*

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Ana Valdez  
City Secretary  
City of Penitas

