

ORDINANCE NO. 2013- 004.

AN ORDINANCE AMENDING ORDINANCE 2009-006 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.

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

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$67.50	\$2.73

COMMERCIAL METER SIZE OF 1 1/2" - RESIDENTIAL METER EQUIVALENT= 5.0 METERS

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$135.00	\$2.73

COMMERCIAL METER SIZE OF 2" – RESIDENTIAL METER EQUIVALENT = 8 METERS

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$216.00	\$ 2.73

COMMERCIAL METER SIZE OF 3" – RESIDENTIAL METER EQUIVALENT = 17.5 METERS

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$ 472.50	\$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

COMMERCIAL METER SIZE OF 6" – RESIDENTIAL METER EQUIVALENT = 62.5 METERS

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$ 1,687.50	\$ 2.73

COMMERCIAL METER SIZE OF 8" – RESIDENTIAL METER EQUIVALENT = 80 METERS

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$ 2,160.00	\$ 2.73

COMMERCIAL METER SIZE OF 10" – RESIDENTIAL METER EQUIVALENT – 115 METERS

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$ 3,105.00	\$ 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	\$2.93

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)
\$92.50	\$2.93

COMMERCIAL METER SIZE OF 1 1/2" - RESIDENTIAL METER EQUIVALENT=5.0 METERS

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$ 185.00	\$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)
\$296.00	\$2.93

COMMERCIAL METER SIZE OF 3" - RESIDENTIAL METER EQUIVALENT= 17.5 METERS

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$647.50	\$2.93

COMMERCIAL METER SIZE OF 4" - RESIDENTIAL METER EQUIVALENT= 25 METERS

PROPOSED MINIMUM MONTHLY CHARGE	OVERAGE CHARGE FOR ADDITIONAL GALLONS (PER 1,000 GALLONS)
\$925.00	\$2.93

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. Shall any section, language, term, or phrase conflict with Ordinance 2009-006, the language term or phrase in Ordinance 2013-004 shall supersede Ordinance 2009-006.

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).

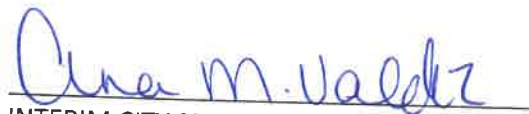
X. EFFECTIVE DATE

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 23rd DAY OF APRIL, 2013 AT A SPECIAL CALLED MEETING AT WHICH A QUORUM OF THE COUNCIL WAS PRESENT.


MAYOR MARCOS OCHOA

ATTEST:


INTERIM CITY SECRETARY ANA VALDEZ