

ORDINANCE NO. O-47-13

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALESTINE, TEXAS BY AMENDING CHAPTER 98, ENTITLED "UTILITIES", ARTICLE III ENTITLED "RATES AND CHARGES", BY AMENDING SECTION 98-90 ENTITLED "WATER RATES"; BY AMENDING SECTION 98-91 ENTITLED "WASTEWATER CHARGES", BY AMENDING SECTION 98-93 ENTITLED "SOLID WASTE COLLECTION FEES"; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Palestine provides water, wastewater, and solid waste collection services to citizens within its corporate boundaries, and to non-residents of the City; and

WHEREAS, the City is required to collect charges for the services it provides so as to pay for the provision of adequate and reliable service; and

WHEREAS, the City ensure that the charges are collected, and needs to establish fair and reasonable deposits to ensure that all ratepayers are responsible for the services they receive; and

WHEREAS, the City Council has determined that the rates charged to customers of the City's water, wastewater, and solid waste service should be adjusted to more accurately reflect the cost of providing the services:

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

I.

That Section 98-90 of the Code of Ordinances of the City of Palestine, Texas be amended to read as follows:

Section 98-90. Water rates.

The monthly water rates or charges to be charged by the city for treated water furnished to its consumers in the city shall be as follows:

(1) The minimum monthly charge for the first 2,000 gallons shall be based on the size of the meter as follows:

a.	Three-fourths-inch to one-inch	\$ 6.00
	1. Three-fourths-inch to one-inch sprinkler	9.00
b.	One-and-one-half-inch	13.35
c.	Two-inch	18.10

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| d. | Three-inch | 38.15 |
| e. | Four-inch | 58.15 |
| f. | Six-inch | 185.90 |
| g. | Eight-inch | 268.80 |
- (2) Usage charges shall be as follows:
- | | | |
|----|--|------|
| a. | Residential | |
| 1. | From 2,000 gallons to 20,000 gallons,
per 1,000 gallons | 3.52 |
| 2. | After 20,000 gallons, per 1,000 gallons | 4.31 |
| b. | Commercial | |
| 1. | From 2,000 gallons to 20,000 gallons,
per 1,000 gallons | 3.76 |
| 2. | After 20,000 gallons, per 1,000 gallons | 4.49 |
| c. | Multifamily, as defined in subsection (3) | |
| 1. | From 2,000 gallons to 20,000 gallons,
per 1,000 gallons | 3.76 |
| 2. | After 20,000 gallons, per 1,000 gallons | 4.49 |
| d. | Industrial | |
| 1. | From 2,000 gallons to 20,000 gallons,
per 1,000 gallons | 3.76 |
| 2. | After 20,000 gallons, per 1,000 gallons | 4.49 |
| e. | Raw water, per 1,000 gallons | 0.65 |
- (3) Apartment houses or multi-family dwellings or multi-unit buildings designed to house two or more families or units shall, unless each unit is separately metered, be charged and billed at the multifamily rate set forth in subsection (2)(c) of this section.
- (4) Mobile home parks and trailer courts shall, unless each unit is separately metered, be charged and billed at the commercial rate set forth in subsection (2)(b) of this section.
- (5) The rates specified in all water contracts entered into by the city, except those specified in the following subsection (6) shall be charged and billed at the rate of \$4.02 per 1,000 gallons with no minimum charge per month.
- (6) All consumers located outside the corporate limits of the city which have made agreements with the city for water services on an individual basis for an individual consumer shall be charged at a rate that is 1.25 times the rates set forth in subsections (1) and (2) of this section.

- (7) If a consumer requests that the meter be reread and such is done and it is determined by the city that the first reading was correct, there shall be a charge of \$16.50 assessed on the next bill of that customer. Also, there shall be a charge of \$52.00 if the meter has been pulled for nonpayment of services.
- (8) Each new consumer of city water shall pay a nonrefundable water utility service setup charge in the amount of \$10.00 which will be charged to the consumer on the first bill sent to the consumer for water service. Each consumer who desires to have an existing water service transfer shall pay a transfer fee in the amount of \$25.00 which will be billed to the consumer on the first bill for water service at the new address.
- (9) Payments will be due 20 days from the billing date.
- (10) A late charge of three percent will be assessed for an account that has not been paid in full within 20 days from the billing date.

II.

That Section 98-91 of the Code of Ordinances of the City of Palestine, Texas, be amended to read as follows:

Section 98-91. Wastewater charges.

The monthly wastewater rates or wastewater charges to be paid by the users of the city sanitary sewer system shall be computed upon the numbers of gallons of water metered to such consumer through the water meter of such consumer and shall be calculated in the following manner:

- (1) Residential. Residential users shall pay the charge according to the following:
 - a. First 2,000 gallons, minimum charge 8.30 base charge
 - b. Over 2,000 gallons, per 1,000 gallons 3.95
 - c. Rates for residential wastewater service will be calculated upon actual monthly water usage. Provided, however, that the usage amount upon which the rate is calculated shall not exceed 1.25 times the arithmetical average of the amount of water for which bills were issued during the previous winter period. The winter period shall be between December 1 and March 31. If a user was not a customer for the entire previous winter period, the average monthly water usage will be the city wide average winter usage for all residential users. Averages will be recalculated May 1 of every year.
- (2) Non consumers of city water. Consumers located inside the corporate limits of the city who are provided sanitary wastewater services but are not connected to city water shall pay a charge of \$38.05 per month. Consumers located outside the corporate limits of the city who are provided sanitary

wastewater services but are not connected to city water shall pay a charge of \$47.56 per month.

(3) Multifamily. Apartment houses or multi-family dwellings or multi-unit buildings designed to house two or more families or units shall, unless each unit is separately metered, pay the charge according to the following:

a. Gallons per month:

- | | | |
|----|---|---------|
| 1. | 0 – 2,000 | \$33.00 |
| 2. | Over 2,000 gallons, for every 1,000 gallons | 4.00 |

(4) Commercial. Commercial users shall pay the charge according to the following:

a. Gallons per month:

- | | | |
|----|---|---------|
| 1. | 0 – 2,000 | \$33.00 |
| 2. | Over 2,000 gallons, for every 1,000 gallons | 4.00 |

b. Over-strength charges. Commercial users shall pay \$0.80 per mg/l of TSS, BOD, Ammonia, or Oil and Grease over the maximum concentration of 250 mg/l of TSS or BOD, 30mg/l of Ammonia (N), or 200 mg/l of Oil and Grease.

(5) Industrial. Industrial users shall pay the charge according to the following:

a. Gallons per month:

- | | | |
|----|---|---------|
| 1. | 0 – 2,000 | \$33.00 |
| 2. | Over 2,000 gallons, for every 1,000 gallons | 4.00 |

b. Over-strength charges. Commercial users shall pay \$0.80 per mg/l of TSS, BOD, Ammonia, or Oil and Grease over the maximum concentration of 250 mg/l of TSS or BOD, 30mg/l of Ammonia (N), or 200 mg/l of Oil and Grease.

(6) Mobile home parks and trailer courts shall, unless each unit is separately metered, be charged and billed at the commercial rate.

(7) A late charge of three percent will be assessed for an account that has not been paid in full within 20 days from the billing date.

(8) All consumers located outside the corporate limits of the city which have made agreements with the city for wastewater services on an individual basis for an individual consumer shall be charged at a rate that is 1.25 times the rates set forth in this section.

(9) A temporary surcharge shall be added to the monthly customer billing for wastewater services in an amount designed to recover the projected increased debt service and operating costs for the EPA-mandated improvement project not otherwise covered by other revenues. Residential users of the wastewater system shall pay a monthly surcharge of \$8.92 on the base 2,000 gallons and \$2.00 per 1,000 gallons for all gallons used over the base 2,000 gallons. Commercial users

of the wastewater system shall pay a surcharge of \$6.75 on the base 2,000 gallons and \$2.00 per 1,000 gallons for all gallons used over the base 2,000 gallons. The surcharge shall end at the earlier of the payoff of the debt or at such a time as other revenues of the wastewater fund are sufficient to cover operating expenses and all debt service.

III.

That Section 98-93 of the Code of Ordinances of the City of Palestine, Texas, be amended to read as follows:

Section 98-93. Solid waste collection fees.

The monthly solid waste fees to be paid by the users of the city solid waste collection system shall be calculated in the following manner:

(1) Residential. Residential users shall pay the charge according to the following:

(a) Each residential unit within the city limits shall be charged \$18.32 per month for residential garbage and rubbish collection services.

(b) Each residential unit shall pay an additional \$2.10 per month as a street-sweeping fee.

(2) Commercial. Commercial users shall pay the charge according to the following:

(a) Each commercial unit within the city limits shall be charged a minimum of \$24.52 per month for commercial garbage and rubbish collection services. This charge shall entitle the user to a single 96-gallon poly cart, which is collected twice per week. Commercial users charged under this section shall also be required to pay the recycling charge set forth in Subsection (3).

(b) Each commercial unit within the city limits shall be charged \$24.52 per month for each additional poly cart for commercial garbage and rubbish collection services.

(c) Each commercial unit shall pay an additional \$2.10 per month as a street-sweeping fee.

(d) All other persons having collection of solid waste other than residential users, including commercial and industrial users, shall have the option of collection in roll-off containers or dumpsters (instead of poly carts) ranging from two-yard to eight-yard in capacity and collection at a frequency of one day a week up to five days per week according to the schedule of rates as follows:

Size	Table (d)(i). <u>Dumpsters</u>					
	1 x wk	2 x wk	3 x wk	4 x wk	5 x wk	6 x wk
2-yd	84.33	141.42	182.94	230.94	268.57	306.19
3-yd	99.90	164.77	216.67	306.19	364.58	421.66
4-yd	116.77	207.59	273.12	377.55	474.86	569.57

6-yd	150.50	251.70	351.60	463.18	551.41	634.44
8-yd	182.94	316.57	451.51	585.14	734.35	842.03

Table (d)(ii). Dumpsters –Extra Lifts

Size	Extra Lifts	Locks	Casters
2-yd	\$51.90	\$24.85	\$24.85
3-yd	\$57.09	\$24.85	\$24.85
4-yd	\$62.28	\$24.85	\$24.85
6-yd	\$67.47	\$24.85	\$24.85
8-yd	\$72.66	\$24.85	\$24.85

Table (d)(iii). Roll-Off

Size	Non-Compactable
20-yd	\$ 899.12 per haul
30-yd	\$1,240.34 per haul
40-yd	\$1,580.27 per haul

Size	Compactable
20-yd	\$490.43 per haul
30-yd	\$626.66 per haul
40-yd	\$762.89 per haul

Delivery Fee	\$102.50
Rental per day	\$ 6.49
Relocation	\$ 68.76
Dry Run	\$102.50

Table (d)(iv). Compactors

Size	Non-Compacted
20-yd	\$ 762.89 per haul
30-yd	\$ 995.13 per haul
35-yd	\$1,117.09 per haul
40-yd	\$1,266.29 per haul

Delivery Fee	\$102.50
Rental per day	\$ 6.49
Relocation	\$ 68.76
Dry Run	\$102.50

(e) All consumers located outside the corporate limits of the city which have made agreements with the city for solid waste collection services on an individual basis for an individual consumer shall be charged at a rate that is 1.25 times the rates set forth in this section.

(3) Commercial Recycling. Commercial users shall pay a recycling charge according to the following:

(a) Each commercial unit within the city limits with commercial hand pickup service (using poly carts) shall be charged a minimum of \$14.31 per month for commercial recycling services. The minimum charge shall entitle the commercial unit to a single 96-gallon poly cart that will be collected once per week.

(b) If a commercial unit desires one or more additional poly carts for recycling collection, each additional cart will be made available and collected on a weekly basis for an additional \$14.31 per month.

(c) If a commercial unit desires an 8-yard front load dumpster, collected weekly, for the collection of recycled materials, the commercial unit will be charged as follows:

- | | | |
|------|---|-------------------|
| (i) | for cardboard only | \$61.30 per month |
| (ii) | for mixed paper, including
all paper products other than
hard-bound books | \$88.54 per month |

(d) If a commercial unit desires a 40-yard open top recycling container for wood only, such service will be available for a charge of \$469.99 per haul.

II.

That all provisions of the Code of Ordinances of the City of Palestine, Texas, shall remain in full force and effect save and except as amended by this ordinance.

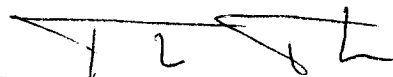
III.

That the terms and provisions of this ordinance are severable. If any portion of this ordinance be declared invalid or unenforceable, the balance of said ordinance not declared invalid or unenforceable, will remain in full force and effect.

IV.

That this ordinance shall take effect October 1, 2013.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Palestine, Texas, at a regular meeting held on this the 23rd day of September, 2013.

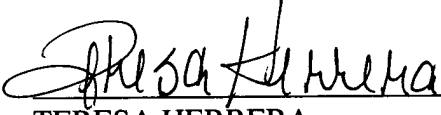



A handwritten signature in black ink, appearing to be 'T. C. L.', is written over a horizontal line.

THERRELL THOMAS
MAYOR

ATTEST:

APPROVED AS TO FORM:


TERESA HERRERA
CITY SECRETARY


RONALD D. STUTES
CITY ATTORNEY