

ORDINANCE 2012-11

AN ORDINANCE OF THE CITY OF LA FERIA AMENDING WATER AND SANITARY SEWER REGULATIONS; ESTABLISHING STANDARD RATES FOR WATER AND SANITARY SEWER SERVICES; PROVIDING FOR THE METERING OF WATER DELIVERED; SETTING ALL OTHER FEES AND CHARGES RELATED TO WATER AND SANITARY SEWER SERVICES; PROVIDING FOR A SAVING CLAUSE; PROVIDING FOR THE EFFECTIVE DATE; PROVIDING FOR THE PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

WHEREAS, research and study of the Board of Directors of the La FERIA Waterworks System and the City Commission of the City of La FERIA has determined that in order to meet the bond obligations, debt service requirements, maintenance, operation, repair, replacement and reasonable reserve requirements of the water and sanitary sewer system require the establishment of a rate to be charged to the La FERIA Waterworks System consumers of public water furnished by the La FERIA Waterworks System and users of sanitary sewer system provided by the La FERIA Waterworks System,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LA FERIA THAT:

Section 1. Compliance with rules and regulations of the Board of Directors of the La FERIA Waterworks System required.

- A. It shall be unlawful for any person to take from any main lateral or pipe any water placed therein by the La FERIA Waterworks System for any use or purpose in violation of any rule made by the Board of Directors of the La FERIA Waterworks System.
- B. It shall be unlawful for any person to knowingly provide false information to the City where such information is used by the City in the management or maintenance of the waterworks system.

Section 2. Basis for Water Rates. It is hereby determined and declared necessary for the City to levy and collect monthly charges from all persons and entities receiving, using, and consuming fresh water from the lines of the La FERIA Waterworks System and those using the sanitary sewer system provided by the La FERIA Waterworks System. The monthly charges shall be based on a water volume-consumed basis for all users.

Section 3. Water Meters. A mechanical device for the measuring of water delivered through it, known as a water meter, as selected by the La FERIA Waterworks System, from time to time, shall be installed on every water line delivering water to every person and entity purchasing and

having water delivered to it from the lines of the La Feria Waterworks System, and such meters and their reporting information shall be used in the usual and ordinary manner for determining the monthly water consumption by each such person or entity having water delivered to it, as the basis for the foregoing monthly charges.

Section 4. Definitions

- A. **Customer** means a residential customer, commercial customer, master meter/retail customer, or institutional customer.
- B. **Residential customer** means an account with a single meter for a home or residence occupied by a single family, individual or group of individuals living together as a single housekeeping unit, or an account with a single meter servicing a multifamily dwelling which is designed for and occupied by not more than four such single families or housekeeping units.
- C. **Commercial customer** means an account with a single meter for the purpose of retail, commercial, personal services, excavation, manufacturing and industrial operations and uses and generally not used as a single residence.
- D. **Master meter/retail customer** means an account with a meter which measures the volume of water utilized by a parcel of land which is owned by an individual, a firm, trust, partnership, public or private association or corporation, and has been developed as a multifamily dwelling designed for 5 or more single families or single housekeeping units or for rental of lots to tenants with mobile homes or recreational vehicles, as described in the La Feria Zoning Ordinance.
- E. **Institutional customer** means an account with a meter which services a place having a curriculum for the purpose of giving instruction, training or education in a service, art, trade or for general knowledge, and generally does not include those accounts (meters) used for food service, personal services, or recreation.
- F. **Billing month** means the period time beginning with the 21st day of a month and ending with the 20th day of the following month, for which a customer receives a single bill for water and sewer services. A billing month bears the name of the month containing the last day of this period.
- G. **Vacation period** means the period of vacation time indicated by a residential customer submitting a vacation plan application.

Section 5. Vacation Plan

- A. A residential customer may apply to be billed for water and sewer service under a vacation plan. For any billing month falling completely within the vacation period, a residential customer billed under the vacation plan will pay the vacation rates as set forth in Section 6.A.(3) and Section 7.A.(3).

- B. To be eligible for billing under the vacation plan, the residential customer must:
 - (1) submit a vacation plan application at least 5 days prior to the first day of any billing month to be billed under the vacation plan;
 - (2) ensure that the residence remains unoccupied during the entire vacation period;
 - (3) allow the consumption of water only for yard and plant maintenance during the entire vacation period;
 - (4) not allow water consumption to exceed 1500 gallons in any billing month billed under the vacation plan; and,
 - (5) not allow any other person to use the residential customer’s brush or garbage collection facilities or areas.
 - (6) The residential unit must be located within the city limits of La Feria.

- C. The number of consecutive billing months billed under the vacation plan in any calendar year shall not exceed three (3). The use of service after the three (3) months shall be billed at the full rate.

Section 6. Water Rates. In addition to other relevant factors, all water charges shall be based on the volume of water flowing through the customer’s water meter. For all customers, the monthly charge shall be as follows:

A. Residential rates. Residential customer rates shall be based on the number of units serviced by the customer’s water meter.

(1) For residential customers inside the City limits the rates shall be:

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|--|---------|
| For volume of water up to 3,000 gallons times the number of units. | \$19.25 |
|--|---------|

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|--|--------------------------|
| All water over 3,000 gallons times the number of units | \$3.00 per 1,000 gallons |
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(2) For residential customers outside the City limits the rates shall be:

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|---|---------|
| For volume of water up to 3,000 gallons times the | \$24.06 |
|---|---------|

number of units

All water over 3,000 gallons times the number of units \$3.75 per 1,000
gallons

- (3) For residential customers inside the city limits which are serviced by a single meter for not more than one unit and have submitted a Vacation Plan Application which has been approved by the City, for each billing month billed under the vacation plan, the rates shall be:

For volume of water up to 1,500 gallons \$10.00

All water over 1,500 gallons, per 1,000 gallons \$9.50

B. Commercial rates

- (1) Commercial Category NC-1

- a. For commercial customers in this category and inside the city limits the rates shall be:

First 3,000 gallons \$22.50

All water over 3,000 gallons, per 1000 gallons \$4.90

- b. For commercial customers in this category and outside the city limits the rates shall be:

First 3,000 gallons \$29.25

All water over 3,000 gallons, per 1000 gallons \$6.13

- (2) Commercial Category NC-2

- a. For commercial customers in this category and inside the city limits the rates shall be:

First 10,000 gallons \$53.45

All water over 10,000 gallons, per 1000 gallons \$4.90

- b. For commercial customers in this category and outside the city limits the rates shall be:

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|---|---------|
| First 10,000 gallons | \$69.48 |
| All water over 10,000 gallons, per 1000 gallons | \$6.13 |

(3) Commercial Category NC-3

- a. For commercial customers in this category and inside the city limits the rates shall be:

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|---|----------|
| First 40,000 gallons | \$198.25 |
| All water over 40,000 gallons, per 1000 gallons | \$4.90 |

- b. For commercial customers in this category and outside the city limits the rates shall be:

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|---|----------|
| First 40,000 gallons | \$247.84 |
| All water over 40,000 gallons, per 1000 gallons | \$6.13 |

C. Master meter/retail rates. Master meter/retail rates shall be based on the total number of occupancy spaces contained within the parcel of land serviced by the retail customer's meter. A 1,100 gallon minimum consumption per space is assumed. A volume/peak demand and fire protection demand (fire protection cost) increase is included.

- (1) For master meter/retail customers inside the city limits, the rates shall be calculated using the following formula:

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|---|----------------------------|
| For volume of water up to 1,100 gallons times the number of occupancy spaces | \$8.75 per occupancy space |
| For all water over 1,100 gallons times the number of occupancy spaces | \$4.80 per 1,000 gallons |

- (2) For master meter/retail customers outside the city limits, the rates shall be calculated using the following formula:

For volume of water up to 1,100 gallons times the number of occupancy spaces \$10.94 per occupancy space

For all water over 1,100 gallons times the number of occupancy spaces \$5.99 per 1,000 gallons

- (3) A master meter/retail customer which is a mobile home park shall, for billing purposes, be considered to have 80% of its total occupancy spaces, rounded up to the next whole occupancy space, during the billing months of January, February, November, and December.
- (4) For the months of March, April, May, June, July, August, September and October, a master meter/retail customer that is a mobile home park may, for billing purposes, be considered to have a number of occupancy spaces equal to the number occupancy spaces actually occupied on September 15 of the prior year. A retail customer must submit not later than September 30 a statement showing the number of spaces actually occupied on September 15. The adjustment to the number of spaces considered for billing purposes provided by this section shall only apply in the year following the submission of such a statement. If a master meter/retail customer fails to provide this statement, the City will assume full occupancy and the retail customer will be billed accordingly. A master meter/retail customer that is a mobile home park shall not, under any circumstances, be considered to have fewer than 10 occupancy spaces.

D. Institutional rates. Institutional rates are based on the number of students enrolled and the number of faculty and staff employed. A 100 gallon minimum consumption per person is assumed. A volume/peak demand and fire protection demand (fire protection cost) increase is included. A minimum of 75 persons per campus is incorporated. For institutional customers, the rates shall be calculated using the following formula:

For volume of water up to 100 gallons times the number of persons \$2.00 per person

For all water over 100 gallons times the number of persons \$4.80 per 1,000 gallons

Section 7. Sewer Rates. In addition to other relevant factors, all Sanitary sewer charges shall be based on the customer's usage as measured by volume of water flowing through the customer's water meter. For all customers, the monthly charges shall be as follows:

A. Residential rates. Residential customer rates shall be based on the number of units serviced by the customer's water meter.

- (1) For residential customers inside the city limits, the rates shall be:

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|--|--------------------------|
| For volume of water up to 3,000 gallons of water usage times the number of units | \$17.25 |
| For volume of water over 3,000 gallons times the number of units | \$3.55 per 1,000 gallons |

- (2) For residential customers outside the city limits, the rates shall be:

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|--|--------------------------|
| For volume of water up to 3,000 gallons of water usage times the number of units | \$21.56 |
| For volume of water over 3,000 gallons times the number of units | \$4.44 per 1,000 gallons |

- (3) For residential customers inside the city limits, which are serviced by a single meter for not more than one unit and have submitted a Vacation Plan Application which has been approved by the City, for each billing month billed under the vacation plan, the rates shall be:

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|---|---------|
| First 1,500 gallons of water usage | \$12.00 |
| All over 1,500 gallons, per 1,000 gallons | \$8.50 |

B. Commercial rates

- (1) Commercial Category NC-1

- a. For commercial customers in this category and inside the city limits, the rates shall be:

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|---|---------|
| First 3,000 gallons of water usage | \$20.50 |
| All water usage over 3,000 gallons, per 1,000 gallons | \$3.60 |

- b. For commercial customers in this category and outside the city limits, the

rates shall be:

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| First 3,000 gallons of water usage | \$26.65 |
| All water usage over 3,000 gallons, per 1,000 gallons | \$4.68 |

(2) Commercial Category NC-2

- a. For commercial customers in this category and inside the city limits, the rates shall be:

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| First 10,000 gallons of water usage | \$46.80 |
| All water usage over 10,000 gallons, per 1,000 gallons | \$3.60 |

- b. For commercial customers in this category and outside the city limits, the rates shall be:

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| First 10,000 gallons of water usage | \$60.84 |
| All water usage over 10,000 gallons, per 1,000 gallons | \$4.68 |

(3) Commercial Category NC-3

- a. For commercial customers in this category and inside the city limits, the rates shall be:

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|---|----------|
| First 40,000 gallons of water usage | \$163.25 |
| All water usage over 40,000 gallons of water usage, per 1,000 gallons | \$3.60 |

- b. For commercial customers in this category and outside the city limits, the rates shall be:

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| First 40,000 gallons of water usage | \$212.07 |
| All water usage over 40,000 gallons, per 1,000 gallons | \$4.68 |

C. Master meter/retail rates. Master meter/retail rates shall be based on the total number of occupancy spaces contained within the parcel of land serviced by the retail customer's meter. A 900 gallon minimum consumption per space is assumed.

(1) For master meter/retail customers inside the city limits the rates shall be:

For volume of water up to 900 gallons times the number of occupancy spaces \$10.00 per occupancy space

For all water over 900 gallons times the number of occupancy spaces \$3.45 per 1,000 gallons

(2) For master meter/retail customers outside the city limits the rates shall be:

For volume of water up to 900 gallons times the number of occupancy spaces \$11.00 per occupancy space

For all water over 900 gallons times the number of occupancy spaces \$4.31 per 1,000 gallons

(3) A master meter/retail customer which is a mobile home park shall, for billing purposes, be considered to have 80% of its total occupancy spaces, rounded up to the next whole occupancy space, during the billing months of January, February, November, and December.

(4) For the months of March, April, May, June, July, August, September, and October, a master meter/retail customer that is a mobile home park may, for billing purposes, be considered to have a number of occupancy spaces equal to the number occupancy spaces actually occupied on September 15 of the prior year. A retail customer must submit not later than September 30 a statement showing the number of spaces actually occupied on September 15. The adjustment to the number of spaces considered for billing purposes provided by this section shall only apply in the year following the submission of such a statement. If a master meter/retail customer fails to provide this statement, the City will assume full occupancy and the retail customer will be billed accordingly. A master meter/retail customer that is a mobile home park shall not, under any circumstances, be considered to have fewer than 10 occupancy spaces.

D. Institutional rates. Institutional rates are based on the number of students enrolled

and the number of faculty and staff employed. A 100 gallon minimum consumption per person is assumed. A minimum of 75 persons per campus is incorporated.

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|--|--------------------------|
| For volume of water up to 100 gallons times the number of persons | \$3.00 per person |
| For all water over 100 gallons times the number of persons | \$3.45 per 1,000 gallons |

Section 8. Water Connection Fees. Connection of water service shall be based on the size and location of the connection. The fee for 5/8" and 1" connections inside the city limits shall be \$300.00, and the fee for such connections outside the city limits shall be \$600.00. The fee for 2", 3", 4" and 6" connections inside the city limits shall be 110% of the cost of connection, and the fee for such connections outside the city limits shall be 200% of the cost of connection.

Section 9. Sanitary Sewer Connection Fees. Connection of sanitary sewer service shall be based on the size and location of the connection. The fee for a 4" connection inside the city limits shall be \$300.00, and the fee for such connections outside the city limits shall be \$600.00. The fee for 6", 8", and 10" connections inside the city limits shall be 110% of the cost of connection, and the fee for such connections outside the city limits shall be 200% of the cost of connection.

Section 10. Deposits and Activation Fees

A. Water Meter Deposit Required. Payment of a water meter deposit shall be required prior to provision of water and sewer service to any customer. The amount of the deposit is based on the size of the meter as follows:

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| 5/8" meter (residential customers) | \$75.00 |
| 5/8" meter (all other customers) | \$100.00 |
| 1" meter deposit fee (residential customers) | \$100.00 |
| 1" meter deposit fee (all other customers) | \$150.00 |
| 2" meter deposit fee | \$200.00 |
| 2" turbo meter deposit fee | \$205.00 |
| 2" comp meter deposit fee | \$225.00 |
| 3" turbo meter deposit fee | \$225.00 |

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|----------------------------|----------|
| 3" comp meter deposit fee | \$300.00 |
| 4" turbo meter deposit fee | \$350.00 |
| 4" comp meter deposit fee | \$400.00 |
| 6" turbo meter deposit fee | \$600.00 |
| 6" comp meter deposit fee | \$850.00 |

B. Activation Fee. Payment of an activation fee of \$20 shall be required prior to the creation of any customer account or provision of water and sewer service to any customer.

C. Service Deposit Refund. Service deposits may be refunded when service is terminated and the account is fully paid. Deposits shall not be transferable between customers.

D. Authority of the City Manager. The City Manager of the system is authorized to increase the amount of any deposit required by this section when in his/her discretion the deposit is in gross disparity with other deposits required in similar circumstances, or the deposit is not sufficient to protect the interest of the system. Failure of the customer to make a deposit at the request of the City Manager as required herein, will subject that customer to termination of services.

Section 11. Payment of Water and Sewer Bills

A. Due Date. All water and sanitary sewer bills are due in full upon receipt of the bill and payment must be made by the 10th day of the month. Payments delivered by the United States Postal Service and postmarked no later than the 10th day of the month will be considered timely if actually received by the City no later than the 17th day of the month.

B. Late charge. The City will impose a late charge of 10% of any delinquency remaining after the close of business day on the 10th of the month following the mailing of water and sanitary sewer bills.

C. Termination of service. Any delinquency remaining after the close of business day on the 17th day of the month exceeding \$10.00 will subject a customer to termination of service. Upon payment of all delinquent amounts and a \$10.00 delinquent account reconnect fee, a customer may have service reestablished. The City Manager of the La Feria Waterworks System is authorized, at his/her discretion, to require an additional water meter deposit for frequently delinquent accounts. Any reconnection of service completed after regular working hours shall be assessed at a fee of \$25.00.

D. Extension of time to pay bill before termination of service. The City Manager is authorized to grant an extension of time for payment of bills if a customer requests such an extension in writing and demonstrates extreme hardship. A customer granted such an extension shall be exempt from termination of service for the duration of the extension. Extensions shall be for a short period of time and may be revoked by the City Manager at any time. Notwithstanding the grant of such an extension, any payment made after its due date shall not be considered timely and all applicable late charges will be imposed.

Section 12. Establishment of Customer Assistance Fund. The City Manager of La Feria is hereby authorized to set aside \$1,000 per fiscal year to assist customers who do not have any other means to pay their utility bill to the City of La Feria. To be eligible to receive assistance, the customer will be required to file an application with the Finance Director of the City of La Feria on a form prescribed by the City. The Finance Director shall review the application and make a recommendation to the City Manager for approval or denial of the assistance. The City Manager's decision shall be final.

Section 13. Ordinance Publication and Effective Date. The City Manager of the City of La Feria, Texas is hereby authorized and directed to cause a true and correct copy of the caption of this Ordinance to be published in a newspaper having general circulation in the City of La Feria, Cameron County, Texas. The revised rates shall be effective September 21, 2012.

PASSED AND APPROVED THE 11th DAY OF SEPTEMBER 2012, LA FERIA, TEXAS

APPROVED:



Steve Brewer, Mayor

ATTEST:


Olga Oberwetter, City Secretary

APPROVED AS TO FORM;


Richard S. Talbert, City Attorney