

Ordinance # 172-12

FIXING AND ESTABLISHING RATES FOR WATER SERVICE, SEWER SERVICE AND SANITATION SERVICE TO BE FIXED BY THE CITY COUNCIL, CITY OF McCAMEY, TEXAS, FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL PURPOSES, BOTH INSIDE AND OUTSIDE THE CITY LIMITS OF THE CITY OF McCAMEY, TEXAS, AND FIXING AND ESTABLISHING A WATER TAPPING CHARGE, A SEWER TAPPING CHARGE, A SERVICE RECONNECT CHARGE, A LATE FEE, ESTABLISHING A SERVICE CONNECT CHARGE, AND FEE FOR STREET CUT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF McCAMEY, TEXAS:

SECTION 1. That there shall be charged and collected by the City of McCamey from all consumers of city supplied water the following monthly rates for water used in each month:

Residential Water Rates - Inside City - Monthly

First 3,000 gallons - \$8.30

All over 3,000 gallons - \$2.70 per 1000 gallons or fraction thereof

Residential Water Rates - Outside City - Monthly

First 3,000 gallons - \$9.75

All over 3,000 gallons - \$3.30 per 1000 gallons or fraction thereof

Commercial Water Rates - Inside City - Monthly

First 3,000 gallons - \$13.25

All over 3,000 gallons - \$3.00 per 1000 gallons or fraction thereof

Commercial Water Rates - Outside City - Monthly

First 3,000 gallons - \$15.75

All over 3,000 gallons - \$3.50 per 1000 gallons or fraction thereof

Industrial Water Rates - Inside or Outside City - Monthly

\$5.50 per 1000 gallons or fraction thereof

Any water meter that services both a residential and commercial/business account will be charged commercial rates for that meter. Customer will be responsible to notify City of any change to the nature of water meter usage.

Any water meter that is used primarily for livestock water will be a Pasture Meter and will be charged Commercial Water Rates.

SECTION 2. That there shall be charged and collected by the City of McCamey from all users of sewer services or facilities, the following monthly rates:

Residential Sewer Rates - Inside City - Monthly

A minimum of \$8.80 month for each connection serving five fixtures or less.

Residential Sewer Rates - Outside City - Monthly

A minimum of \$13.00 per month for each connection serving five fixtures or less.

Commercial Sewer Rates - Inside City - Monthly

A minimum of \$11.50 per month for each connection. Certain exceptions as granted by the City Council on a case by case basis for commercial users with exceptional circumstances. Examples would include, but not be limited to: Hospital, School, Motel, and similar users.

Commercial Sewer Rates - Outside City - Monthly

A minimum of \$13.50 per month for each connection. Certain exceptions as granted by the City Council on a case by case basis for commercial users with exceptional circumstances. Examples would include, but not be limited to: Hospital, School, Motel, and similar users.

Any sewer connection that services both a residential and commercial/business account will be charged for a residential charge plus a commercial charge.

SECTION 3. That there shall be charged and collected by the City of McCamey from all users of sanitation services or facilities. The City of McCamey has contracted with Duncan Disposal to provide residential and commercial trash pick-up services and provide containers for sanitation services.

City of McCamey will charge residential and commercial services to customers on a monthly basis at the rates set by

agreement between City and Duncan Disposal. City of McCamey will be customer representative with Duncan Disposal in an effort to assure that sanitation service is adequate for customers.

Commercial Sanitary Landfill Rates - All users

NO TRASH WILL BE ACCEPTED AT THE McCAMEY LANDFILL FROM ANYONE NOT RESIDING IN McCAMEY OR EXTRATERRITORIAL JURISDICTION WHICH IS SERVED BY CITY OF McCAMEY UTILITY DEPARTMENT.

No household refuse can be accepted at City landfill. All persons desiring to dump material, other than ordinary household refuse, at the McCamey sanitary landfill are hereby deemed to be commercial sanitary landfill user. **NO HAZARDOUS MATERIALS WILL BE ACCEPTED FROM ANY USER.** A fee of \$25.00 per 1/2 ton load shall be assessed for each and every vehicle, vehicle and trailer, or trailer and each and every load of refuse, trash or other material dumped, unloaded, or otherwise disposed of at the McCamey sanitary landfill by anyone deemed to be a commercial sanitary landfill user. However, City of McCamey utility customers shall be allowed to dump yard waste, tree limbs, old furniture, boards, metals, brush, wire, appliances and water heaters at the McCamey sanitary landfill upon presentation of Texas Drivers License and the current utility bill with a charge for sanitation service at that household or business. **Used tires will not be accepted at McCamey Landfill.** For all other persons or businesses desiring to utilize the McCamey sanitary landfill and before any commercial sanitary landfill user may unload any material, that user is hereby required to present weigh bill from a certified scale showing the weight of the load and have a receipt for payment of load(s) issued by City Hall prior to acceptance of refuse. City Secretary or designated representative shall issue a receipt to each user upon receipt of the required payment. The receipt designated as an authorization to unload shall be surrendered to the attendant on duty at the landfill. No commercial sanitary landfill user may unload any material without inspection of the landfill attendant and surrendering the appropriate authorization.

In the event that a resident of the City of McCamey, or a party who lives within the extraterritorial jurisdiction of the city desires to have sanitation services only, the City of McCamey may at its discretion set a dumpster at the desired location provided that the party desiring such dumpster makes a deposit with the City in the amount of \$75.00. Such deposit shall be held by the City for the duration of service and at termination of service shall be applied to the final bill. The City shall retain the sole right to terminate such service for late payment or non-payment.

SECTION 4. The above residential water, sewer and sanitation rates shall be assessed and charged monthly against each and every occupied residence, apartment, or multi-unit apartments, trailers or mobile homes used for residential purposes, including additional charge for each of two or more units serviced by one and the same meter, sewer connection or sanitation dumpster.

SECTION 5. Except as provided for in Sections 1 and 2, the above commercial water, sewer and sanitation rates shall be assessed and charged monthly against each and every unit, trailer or mobile home used for business, commercial or office purposes, including additional sewer and sanitation charge for each of two or more units serviced by one and the same water meter, sewer connection or sanitation dumpster.

SECTION 6. That a Water Tapping Charge shall be made for connection with the water system which fee shall be paid to the City of McCamey, Texas, in advance of connection upon making an application for connection to such water system. Inside the City limits, the City will provide a water tap and water line from the City's water main to the owner's property line, up to a maximum of fifty (50') feet. The house connection to the edge of the property line shall be installed at the expense of the connector in accordance with the regulations of the City and subject to inspection of the City.

INSIDE CITY WATER TAP FEE SCHEDULE

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|------------------|-------------|
| 2" to 6" x 3/4" | - \$350.00 |
| 8" to 10" x 3/4" | - \$500.00 |
| 2" to 6" x 1" | - \$650.00 |
| 8" to 10" x 1" | - \$800.00 |
| 4" to 6" x 2" | - \$1350.00 |
| 8" to 10" x 2" | - \$1550.00 |

SECTION 7. The Water Tapping Charge discussed in Section 6 may be provided for customers outside the City, except that the application must be approved in advance by the City Council. City will provide water tap at City's water line available to the property and the city will provide the tap and line up to **fifty feet (50')**, UNLESS THAT DISTANCE REQUIRES ENTERING OR CROSSING PRIVATE PROPERTY. Customer will be responsible to extend their service line to meet the City's line and shall be installed at the expense of the connector in accordance with the regulations of the City and subject to inspection of the City.

OUTSIDE CITY WATER TAP FEE SCHEDULE

| | |
|------------------|-------------|
| 2" to 6" x 3/4" | - \$450.00 |
| 8" to 10" x 3/4" | - \$575.00 |
| 2" to 6" x 1" | - \$725.00 |
| 8" to 10" x 1" | - \$875.00 |
| 4" to 6" x 2" | - \$1425.00 |
| 8" to 10" x 2" | - \$1625.00 |

SECTION 8. That a Sewer Tapping Charge shall be made as a tapping fee for connection to the sewer system which fee shall be paid to the City of McCamey, Texas, in advance of connection upon making an application for connection to such sewer system. Inside the City limits, the City will provide a sewer saddle and sewer line from the City's sewer main to the property line, up to a maximum of fifty (50') feet, within four (4') feet of the surface of the ground. The house connection to the City's lateral shall be installed at the expense of the connector in accordance with the regulations of the City and subject to inspection of the City.

Inside City Sewer Tap Fee

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|-----------------|------------|
| Residential Tap | - \$300.00 |
| Commercial Tap | - \$350.00 |

SECTION 9. The Sewer Tapping Charge discussed in Section 8 may be extended to customers outside the City when location is accessible to City existing sewer line, except that the application must be approved in advance by the City Council, and the City will provide the saddle and line up to (50') feet, unless that distance requires entering or crossing private property.

Outside City Sewer Tap Fee

| | |
|-----------------|------------|
| Residential Tap | - \$410.00 |
| Commercial Tap | - \$475.00 |

WATER OR SEWER TAP WILL NOT BE INSTALLED AT NEW CONSTRUCTION OR RE-CONSTRUCTION SITE WITHOUT HAVING A VALID BUILDING PERMIT ISSUED BY THE CITY OF McCAMEY.

OUTSIDE CITY TAP REQUEST THAT REQUIRE CROSSING ANY CITY STREET WILL BE CHARGED A FEE OF \$500.00 FOR EACH STREET CUT. ANY TAP THAT RESULTS IN CROSSING ANY STREET OR ROAD IN UPTON COUNTY (outside the City limits of McCamey) WILL REQUIRE CUSTOMER TO PROVIDE WRITTEN PERMISSION FROM UPTON COUNTY AND CUSTOMER WILL BE RESPONSIBLE FOR ANY FEES DUE UPTON COUNTY FOR STREET/ROAD CUT.

SECTION 10: That there shall be assessed a service charge of \$15.00 to initiate new service. This charge is applicable to both new accounts and accounts being transferred from one location to another, and will be added as a service charge on the regular monthly water billing, to be due and payable at the same time as the regular charges. Any customer requesting transfer of service must pay all amount due City of McCamey prior to transfer. For transfer, customer may be allowed service at both meter locations for a period of three days, otherwise a new meter deposit will be required to establish a new water service.

SECTION 11. That all bills shall be payable at the office of the City Secretary of the City of McCamey, Texas, within ten (10) days after the billing date, unless the (10th) tenth day falls on a Saturday, Sunday, or holiday, in which case the due date will be the first working day following. Further, all payments received after the (20th) twentieth day of the month in which that payment falls due shall be assessed a (\$5.00) five dollar fee for handling such late payment. The City Council finds that (\$5.00) five dollars is a reasonable sum for handling such late payments and this late fee is not and shall not be construed to be an interest payment.

Any person presenting payment for utility account that is returned for insufficient funds, being a check or any other electronic payment, will be subject to service interruption unless arrangements for settlement is made within five days of receipt of return item notice from bank. Service will not be re-connected until settlement of the returned item is paid in full including return item charges, re-connect fees and any and all fees resulting from the return item.

SECTION 12. Unless such bills are paid in accordance with Section 11, before the close of business on the last working day of the month following the due date, water service will be discontinued and the water meter shall be and shall remain locked to prevent use until all sums due are paid in full.

SECTION 13. That there shall be a (\$35.00) thirty-five dollar service charge to resume service where the water service has been discontinued due to non-payment as stated in Section 12 above.

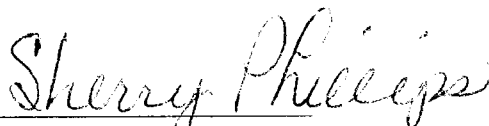
SECTION 14: Upon finding use of water at a meter location not having valid connection and water meter deposit established with City of McCamey service will immediately be turned off and meter will be locked. Investigation will be conducted in an attempt to determine user of water. Upon determination of findings, City of McCamey will make attempt to collect for use of unauthorized water usage. If settlement cannot be accomplished, City of McCamey can file Theft of Services of Charges with the proper law enforcement for settlement of the account.

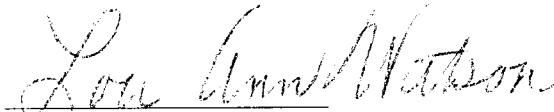
SECTION 15: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of McCamey hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

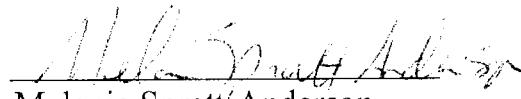
The City Council finds that the interest of health, safety, and welfare require that this ordinance shall be effective from and after its passage and is so enacted. The City Council waives the requirement of two public readings and orders the City Secretary to publish the caption of the ordinance in the manner and for the length of time required by law as an alternative form of publications.

This ordinance expressly ratifies prior rate increases, but to the extent that prior ordinances and actions of the City Council conflict with this ordinance it supersedes previous ordinances and actions of the City Council and they are hereby rescinded.

**PASSED AND APPROVED ON THIS 14TH DAY OF SEPTEMBER, 2009, AND RATES
AS SET IN THIS ORDINANCE SHALL BECOME EFFECTIVE OCTOBER 1, 2009.**


Sherry Phillips, Mayor
City of McCamey, Texas

ATTEST: 
Lou Ann Watson
City Secretary

APPROVED TO FORM: 
Melanie Spratt-Anderson
City Attorney