

CITY OF AUBREY
ORDINANCE NUMBER 432-10

AN ORDINANCE OF THE CITY OF AUBREY, TEXAS, AMENDING ORDINANCE NUMBER 422-09 WATER / WASTEWATER SERVICES - BILLING, SECTION I –A PENALTY PERCENTAGE ASSESSED ON MONTHLY BILLING; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND AMENDMENTS; THERETO REGULATING AND ESTABLISHING SUCH RATES ARE NULL AND VOID; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR A PENALTY; PROVIDING AN EFFECTIVE DATE AND PUBLICATION CLAUSE.

WHEREAS, the City Council of the City of Aubrey, Texas (“City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Aubrey, Texas (“Aubrey” or “City”) to increase the charges made to customers to recover the costs associated with providing potable water service and wastewater services now and in the future for the City; and

WHEREAS, the City has experienced a steady increase in the cost to provide an acceptable level of service to its customers; and

WHEREAS, the City wishes to not only continue, but to improve its level of service to all its citizens and customers now and in the future; and

NOW, THEREFORE, be it ordained by the City Council of the City of Aubrey, Texas:

SECTION I

That certain ordinances, as noted above, which were approved and passed by the City Council of the City of Aubrey, Texas are hereby amended and shall herein after read as follows:

- A. That all bills for water and wastewater treatment services (herein the “Bill”) rendered by the City shall be paid monthly on the fifth day of each month after billing date. A 10% penalty on the total current amount due, will be assessed on the sixth day of each month. The Bill, including the late penalty, must be paid by the fifteenth of each month in order to prevent water being disconnected. If the fifteenth falls on a weekend or holiday, the customer will be given until the next business day to pay the Bill. In the event of discontinuance of service an additional sum of \$30.00 (thirty dollars) shall be charged for turning the water back on, in addition to any water and sewer service bills and any appendages thereto in which the customer was delinquent. After hours calls for re-connection or for service calls, or for non-emergency services will be at the rate of \$25.00 in addition to any re-connection fees named herein.

- B. In the event that a customer, without having paid all delinquent charges and additional penalties, turns on the water service after said service has been

disconnected by the City as provided in Section I (A) the City shall lock said customer's water meter. In the event that the meter has been locked as provided herein, the customer shall pay penalty of \$50.00 (fifty dollars) to have the meter unlocked, in addition to all delinquent bills and re-connection fees.

- C. In the event that a customer shall in some manner tie into or contrive by any means or device to secure water from the City's water lines illegally, then the City shall remove the meter and file a report with the Aubrey Police Department.

SECTION II

That the following monthly water rates shall be charged by the City for residential and commercial water services as set out as follows:

WATER / SEWER RATES

RESIDENTIAL RATES

WATER

1 ST 1500 GALLONS	18.00
1501 TO 3000	3.79 / 1000
3001 TO 10000	4.07 / 1000
10001 TO 15000	4.33 / 1000
15001 TO 25000	4.60 / 1000
25001 and UP	4.88 / 1000

SEWER

1 ST 2500 GALLONS	21.44
2501 – 8000	27.67
8001 and up	36.73

COMMERCIAL RATES

WATER

1 ST 1500 GALLONS	24.00
1501 TO 3000	4.33 / 1000
3001 TO 10000	4.60 / 1000
10001 TO 15000	4.88 / 1000
15001 TO 25000	5.15 / 1000
25000 and UP	5.41 / 1000

SEWER

1 ST 2500 GALLONS	25.71
2501 TO 5000	3.69 / 1000
5001 TO 10000	3.98 / 1000
10001 TO 15000	4.26 / 1000
15001 TO 25000	4.54 / 1000
25000 and UP	4.82 / 1000

BULK WATER RATES

The following rates will be charged for bold and/or construction water secured thru the use of the portable bulk meters:

1 st 1500 GALLONS	27.68
ALL over 1501 Gallons	5.41 / 1000

A security deposit of \$1,800 is required for the use of any/all bulk water meters. Should the meter be lost or damaged, the customer will be responsible for paying to the City the then cost to replace said bulk meter. The City may require any additional security fees in connection with bulk meters necessary to preserve the meters for future use. Bulk water service will be provided to the customer on a basis consistent with levels of consumption City wide. The City may require a bulk user to draw water only during periods of non-peak use, in order to properly service the City's customers with pressure and volume.

SECTION III

All new water and / or sewer connection / taps to be constructed will be assessed the following:

WATER CONNECTION / TAPPING FEES:

¾ INCH	1050.00
1 INCH	1150.00
1 ½ INCH	1450.00
2 INCH	1650.00
3 INCH	2650.00

SEWER CONNECTION / TAPPING FEES

4 INCH	1700.00
6 INCH	1850.00
8 INCH	1950.00
10 INCH	2050.00

SECTION IV

- A. Service deposits for *residential* will be **\$70.00** and **\$250.00** for *commercial*. Each customer shall, before being connected or tied into the Municipal water system shall render a deposit to the City; and the same deposits shall apply respectively to the Municipal sewer system for customers who have only sewer connections and no water connections. Such deposit is, as aforesaid, a service deposit, and may be applied by the City on or against any loss sustained by it through the failure of a customer to pay its water or sewer account, or other lawful charges in connection with the water or sewer billing. Such deposit shall be returned only to the person depositing same, upon his/her permanent discontinuance of City water or sewer service, less other charges in connection with the water or sewer bill. No interest shall be paid on said deposits.
- B. Charges for insufficient funds checks will be at the rate of **\$30.00** each plus any bank fees, plus any applicable postage charges.

SECTION V

All provisions of any ordinances in conflict with this Ordinance are hereby repealed, shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance.

SECTION VI

Should any section subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this ordinance shall remain in full force and effect. The City Council for the City of Aubrey hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION VII

The City Secretary of the City of Aubrey is hereby directed to engross and enroll this Ordinance by copying the caption, publication clause, penalty clause, and affective date clause in the minutes of the City Council of the City of Aubrey and by filing this Ordinance in the ordinance records of the City.

SECTION VIII

Any person, firm, or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction therefore shall be fined not less than One-Hundred (\$100.00) and not more than Two-Hundred Dollars (\$200.00), each and every day that such violation shall be construed to be a separate offense; provided, however, that nothing contained

herein shall preclude the municipality of bringing suit for injunction for the prevention of any threatened violation of the removal of any structure in violation of this Ordinance.

SECTION IX

This Ordinance shall be effective upon its passage and publication of caption in the official newspaper of the City of Aubrey as provided by State Law and shall be effective with the October 2009 monthly billing for the September 2009 usage. The fact that the City is in immediate need of the relief afforded by this Ordinance creates an emergency and any and all rules requiring ordinances to be read and re-passed at more than one meeting is suspended.

SECTION X

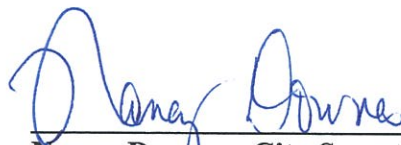
The City Secretary of the City of Aubrey, Texas, is hereby directed to publish in the Official Newspaper of the City of Aubrey, the Caption, and Effective Date clause of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

PASSED AND APPROVED, this the 16th day of March, 2010.



Gary W. Hammett, Mayor

ATTEST:



Nancy Downes, City Secretary

