

CITY OF WILLOW PARK

ORDINANCE NO. 437-99

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE, 11.400 AND APPENDIX A, ARTICLE 15.000, OF THE CODE OF ORDINANCES, CITY OF WILLOW PARK, TEXAS, AND PROVIDING FOR WASTE WATER RATES; AND PROVIDING A PENALTY, AN EFFECTIVE DATE AND REPEALER

WHEREAS, the City of Willow Park wishes to provide for the health, safety and welfare of its citizens; and

WHEREAS, the City possesses a certificate of public convenience and necessity to furnish water service; and

WHEREAS, the City desires to create, provide and maintain waterwork and waste water facilities cut are safe, adequate, efficient and reasonable for the provision of said service(s); and

WHEREAS, the City will ascertain and fix just and reasonable standards, classification, regulations, service rules, service standards and practices to be observed in the finishing of water; and

WHEREAS, the City acknowledges and recognizes that the provision of adequate, efficient, reasonable and safe waterwork services to those outside the corporate boundaries of the City of Willow Park depend on: sufficiency of supply, age of delivery system, facility, capacity of the system, pressure within the system, remoteness of the extra-territorial customer and other objective and physical differences; a reasonable basis for different rates and

classifications of residential and non-residential customers and customers outside the corporate limits of the municipality is created.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. AUTHORIZATION

The Mayor, or appropriate City Official or Mayor's designee is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. APPLICATIONS

The provisions of this Ordinance shall apply to all persons, customers and property served with the City of Willow Park waterworks or waste water, wherever situated. No customer of the City of Willow Park Water System shall knowingly make, cause, use or discharge waste water in a manner contrary to any provision of this or other previously enacted ordinances, or in an amount in excess of that permitted or in a condition, composition or state that is not in accordance with the provisions of this or other ordinances.

SECTION 3. AMENDMENT

Chapter 11, Public Utilities, Article 11.400, Sewer System, is amended as follows:

ARTICLE 11.400 SANITARY SEWER SYSTEM

(a) Before the owner of any land which is to be serviced by any waste water sewer system of the City of Willow Park, Texas, can receive such service, the owner of such land must either obtain annexation of such property by the City of Willow Park or must file a request for annexation within ninety (90) days after the date of the request for sewer service. In the event the annexation is not completed, any sewer service which was extended because of the application shall be terminated. This termination shall be immediate, unless the City Council, upon request by the owner, shall make further provisions for temporary service under terms and conditions to be specified at the time.

(b) Tap Fee. A fee in the amount as set forth in Appendix A. "Fee Schedule" Article 15.000 subparagraph (d)(10) shall be charged to customers for each tap or new connection to the City water treatment system. The fee shall be paid by the customer prior to making any tap or new connection to said system.

(c) Rate Schedule. The rate schedule for waste water treatment shall be as set forth in the 'Fee Schedule' published as Appendix A to the Municipal Code of Ordinances, Art. 15.100.

(d) Maintenance of Lines.

1. It shall be the duty of the owner of waste water lines connected to the waste water treatment system of the City to keep such lines in good repair.

2. When notified in writing by the City that a leak or damage exists in the waste water line, the owner thereof shall have 90 days to repair such leak or damage unless such leak violates federal, state, or municipal rules or regulations. Should the owner not immediately, after notice, cure the defect or violation, of federal, state, or municipal rules or regulations, the City may do so and collect from the owner the expense of repair.

3. If after 90 days notice a waste water treatment line owner fails to repair the leak or damage as described in the notice, except where immediate cure is required, the owner shall be billed \$10 per week thereafter for each week the leak or damage is not repaired, not to exceed an additional 90 days.

4. If after the expiration of 180 days after the first written notice of the waste water line leak or damage, the owner thereof has failed to make necessary repairs to cure the leak or damage, the owner shall be guilty of a misdemeanor.

(e) Offense. It shall be unlawful for any person to knowingly or negligently damage or permit, by act or omission, damage to occur,

or otherwise injure, harm or interfere with the proper operation of any water or waste water meter, water tap, service line, water or sewer main, lateral or trunk line, valve or any other property used in connection with the City's water and waste water treatment system. Such offense shall be a misdemeanor and each day of violation, or portion thereof shall constitute a separate offense.

1. In addition to any penalty imposed upon conviction for a violation of this section, the person(s) responsible for any such damage, harm or injury shall fully reimburse the City any and all expenses incurred in investigating, documenting or repairing the damage, harm or injury and all costs associated with such recovery, including legal expenses.
2. City inspectors shall have access to all areas where water or waste water service exists at reasonable hours to investigate, inspect or determine if damage, harm or injury exists, as defined.

SECTION 4. AMENDMENT

Appendix A, 'Fee Schedule,' Willow Park of Code Municipal Ordinances, Article 15.000, 'Rate Schedule for Water Service', is amended as follows:

Article 15.000 Rate Schedule for Water and Waste Water Service

- (d) ~~Commercial~~ Waste water rates. The City of Willow Park hereby adopts a user charge system as based on an independent study and

analysis, with the following rates, schedules and structures:

1. Rates. The following schedule of rates per month or a fraction thereof shall be the basis for determining charges to all user classes for rendering waste water sewer service where the sewage if the waste water produced by such user is composed only of acceptable pollutants and where such user is located within the corporate limits of the municipality.
2. Residential Class.
 - a. For the first thousand gallons, or any portion thereof, the minimum monthly charge shall be \$10.80. For each additional thousand gallons, or portion thereof, the charge shall be \$10.80 times the "base month usage."
 - b. The "base month usage" for residential class users will be determined by calculating the individual user's average monthly water use during the three calendar months of December, January and February. This monthly average shall be referred to as "base month usage". The volumes used to compute these charges are based on the amount of water used by the residential class users as measured by meter. When no "base month usage" is available from City records, the City Administrator shall establish a volume of 7.500 gallons

per month to be used for the “base month usage” until the user can establish “base month usage”.

- c. All residential users connected to the waste water system that have a water supply that is an addition to, or in lieu of, city water supply, will have two options to calculate the charges for waste water treatment service: (1) the residential user may have a meter approved and tested by the City waterworks installed on the source of non-City water supply and the volume charges set forth hereinbefore shall be based on the sum of the volume delivered by all sources of water supply measured and estimated; and (2) the user may install an approved and properly functioning waste water flow meter, at the sole expense of the user, and the volume charged shall be determined by the flow meter.

3. Non-residential Class.

- a. For the first thousand gallons, or any portion thereof, the minimum monthly rates for waste water shall be \$10.80. Thereafter, the rate per thousand gallons of affluent, or any portion thereof, shall be \$10.80.
- b. The monthly charges for non-residential class waste water user

shall be based on usage. Usage may be determined by the City through either: (1) the total actual water usage measured by appropriate City waterwork meters, with the provision that if the user can clearly and convincingly demonstrate to the approval of City Administrator that a significant portion of the metered water usage does not enter the waste water treatment sewer, the user will be charged only for that volume entering the sewer, or, (2) the actual volume of discharge into the waste water treatment sewer, as measured by an approved waste water flow meter, paid for and installed at the sole expense of the user. The City retains the sole discretion to select either measurement method specified above to determine and assess usage volumes for non-residential waste water users.

3. Outside City. The waste water rates to be charged for all waste water treatment service outside the corporate municipal limits shall be 105% of the rate charged for said applicable customer class service within the corporate municipal boundaries.

SECTION 5. AMENDMENT

Appendix A, “Fee Schedule,” Willow Park Code of Municipal Ordinances, Article 15.000, “Rate Schedule for Water Service,” is amended as follows:

The subparts of paragraph (d) of Appendix A, "Commercial Waste Water Rates" are renumbered consistent with the changes made in SECTION 4. herein, starting with (1) being renumbered as (5) and continuing consecutively until all subparts of subparagraph (d) have been consecutively renumbered.

SECTION 6. REPEAL OF CONFLICTING ORDINANCES

All Ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict; and Art. 15.000, subparagraphs (d)(2), Ordinance No. 358-94, as passed and approved by the City Council on March 15 1994 is particularly repealed.

SECTION 7. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect from and after its publication one time in the official publication of the City of Willow Park, Texas which publication shall contain the captions stating in substance the purpose of the ordinance and reciting the penalty provision of the ordinance.

PASSED AND APPROVED this 16th day of February, 1999.

/s/ Les Cooley

Mayor

ATTEST:

/s/ Hetty Haggard

City Secretary

APPROVED AS TO FORM:

/s/ Rider Scott

City Attorney

The Willow Park City Council in acting on Ordinance No. 437-99, did on the 16th day of Feb. 1999 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Les Cooley, Mayor	_____	_____
Gene Martin, Place 1	<u> x </u>	_____
Sam Bertling, Place 2	<u>Abstained</u>	_____
Jim Davis, Place 3	<u> x </u>	_____
Doral Risch, Place 4	<u> x </u>	_____
Gerald Liepert, Place 5	<u> x </u>	_____