

CITY OF WILLOW PARK

ORDINANCE NO. 481-02

AN ORDINANCE AMENDING APPENDIX A, ARTICLE 15.000(d)(2)(a) and (d)(3)(a), OF THE CODE OF ORDINANCES, CITY OF WILLOW PARK, TEXAS, AND PROVIDING FOR AMENDED 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 that 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 furnishing 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

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) 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 ~~\$9.30~~ \$6.35. For each additional thousand gallons, or portion thereof, the charge shall be ~~\$9.30~~ \$6.35 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. Where 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 a “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 ~~\$9.30~~ \$7.45. Thereafter, the rate per thousand gallons of affluent, or any portion thereof, shall be ~~\$9.30~~ \$7.45.
- 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.

- 4. 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 4. 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 5. REPEAL OF CONFLICTING ORDINANCES

All Ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict; Art. 15.000, subparagraphs (d)(2), Ordinance No. 358-94, as passed and adopted by the City Council on March 15, 1994 is particularly repealed; and Ordinance No. 465-01 passed and adopted by the City Council on April 3, 2001 is particularly repealed.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be effective on or after its adoption.

PASSED AND ADOPTED this 22nd day of April, 2002.

/s/ James H. Poythress
Mayor

ATTEST:

/s/ Candice J. Weaver
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ Rider Scott
City Attorney

The Willow Park City Council in acting on Ordinance No. 481-02, did on the 22nd day of April 2002 did vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
James H. Poythress, Mayor	_____	_____
Scott Rule, Place 1	<u> X </u>	_____
Terry Skaggs, Place 2	<u> X </u>	_____
Marvin Glasgow, Place 3	<u> X </u>	_____
Robin Brown, Place 4	<u> X </u>	_____
Gerald Liepert, Place 5	<u> X </u>	_____