

AN ORDINANCE AMENDING AND REPLACING PRIOR ORDINANCE PROVISIONS RELATED TO WATER AND SEWER RATES, AND GARBAGE COLLECTION RATES, AND OTHER RELATED FEES FOR THE CITY OF WHEELER, TEXAS, ADDING PROVISIONS FOR LATE FEES, ADDING A NEW SECTION PROVIDING FOR THE IMPOSITION OF A LIEN ON AN OWNER'S PROPERTY, OTHER THAN HOMESTEAD OR RENTAL PROPERTY, AFTER NOTICE FOR DELINQUENT BILLS FOR UTILITY SERVICE TO THE PROPERTY, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A REPEALER CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Wheeler, Texas has previously passed ordinance provisions regarding the water and sewer rates, and garbage collection rates, and other related fees within the city limits; and

WHEREAS, the periodic evaluation and revision of utility rates and charges is necessary to provide sufficient revenue to operate and maintain a utility system; and

WHEREAS, it has become necessary and desirable to amend the billing and collection procedures and administrative fees charged for delinquent payments and non-payment of residential water and sewer accounts, to clarify the collection procedures and to provide reasonable compensation to the City of Wheeler for services necessitated by a customer's late payment and/or non-payment of an account; and

WHEREAS, the City Council for the City of Wheeler, Texas now wishes to amend such ordinance; and

WHEREAS, Section 552.0025 of the Texas Local Government Code gives municipalities authority by Ordinance to impose a lien on certain owner's property for delinquent bills for utility services received by said owner or customer; and

WHEREAS, the City of Wheeler provides utility service(s) within the City and experiences owners and customers being delinquent on the payment of outstanding bills; and

WHEREAS, the City Council believes it is in the best interest of the citizens of Wheeler to have the ability to impose a lien on eligible properties as a means of securing payment of such delinquent bills.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Wheeler, Texas that the Code of Ordinances is amended to read as follows:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

The Code of Ordinances, City of Wheeler, Texas, is hereby amended to read in accordance with Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Sections of the Code shall be renumbered as necessary.

3. REPEALER

All ordinances, resolutions, or parts thereof that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

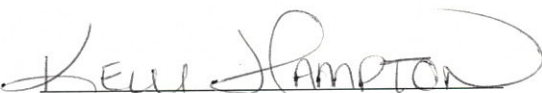
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

Passed and approved this 15TH day of AUGUST, 2016.



Bob McCain, Mayor

ATTEST:



Kelli Hampton, City Secretary

ATTACHMENT A

ARTICLE 1 WATER RATES

Section 1-1. Water Rates Within the City

The following rates per month shall be the rates charged for water services furnished to residential customers, commercial and industrial customers, and non-profit organization customers within the corporate limits of the City of Wheeler, until revised by the City Council of the City of Wheeler by subsequent ordinance:

- (a) Residential:
 - Base Rate (Up to 3,000 gallons) \$8.00
 - 3,001 gallons and up \$2.50 per 1,000 gallons
- (b) Commercial Services:
 - Base Rate (Up to 3,000 gallons) \$10.00
 - 3,001 gallons and up \$2.50 per 1,000 gallons

Section 1-2. Water Rates Outside the City

The following rates per month shall be the rates charged for water services furnished to residential customers, commercial and industrial customers, and non-profit organization customers outside the corporate limits of the City of Wheeler, until revised by the City Council of the City of Wheeler by subsequent ordinance:

- (a) Residential:
 - Base Rate (Up to 3,000 gallons) \$15.00
 - 3,001 gallons and up \$2.50 per 1,000 gallons
- (b) Commercial Services:
 - Base Rate (Up to 3,000 gallons) \$15.00
 - 3,001 gallons and up \$2.50 per 1,000 gallons

ARTICLE 2 SEWER RATES

Section 2-1. Sewer Rates Within the City

The following rates per month shall be the rates charged for sewer services furnished to customers within the corporate limits of the City of Wheeler, until revised by the City Council of the City of Wheeler by subsequent ordinance:

- (a) Residential
 - Monthly Service Charge \$5.00
- (b) Commercial and Industrial

Monthly Service Charge

\$9.50

ARTICLE 3 GARBAGE COLLECTION RATES

Section 3-1. Garbage Collection Rate

The following rates per month shall be the rates charged for garbage collection services furnished to customers within the corporate limits of the City of Wheeler, until revised by the City Council of the City of Wheeler by subsequent ordinance:

- (a) Residential (single-family dwelling) \$16.60
- (b) Commercial and Industrial
(any customer not considered residential) \$34.16

Section 3-2. Garbage Collection Rate Outside the City

The following rates per month shall be the rates charged for garbage collection services furnished to customers outside the corporate limits of the City of Wheeler, until revised by the City Council of the City of Wheeler by subsequent ordinance:

- (a) Residential (single-family dwelling) \$68.33
- (b) Commercial and Industrial
(any customer not considered residential) \$68.33

ARTICLE 4 BILLING AND PAYMENT PROCEDURES

Section 4-1. Billing and Collection Procedures for Residential and Commercial Accounts

(a) All City utility bills shall be sent to residential and commercial customers on or about the twenty-fifth day of each month (the "Billing Date") for services provided from the 11th day of the prior month to the 11th day of that month.

(b) Payment on all residential and commercial accounts shall be due on the 10th day of the month (the "Due Date").

(c) All bills for which payment has not been received by the City on or before the Due Date shall be assessed a late charge penalty of \$10.00 or 10% of the amount due, whichever is greater.

(d) On the 11th day of each month, the City will send a courtesy notice ("Notice") on each residential account that is past due. The Notice shall include the balance due, and the date and time scheduled for disconnection and termination of city services. However, the failure by the City to send a courtesy notice or the failure of a customer to receive a courtesy notice shall not alter the City's right to disconnect service for nonpayment as provided herein.

(e) If payment on a residential account is not received by the City on or before midnight on the twentieth (20th) day of the month, then all water and sewer service shall be immediately scheduled to be disconnected and shall be disconnected if payment is not received before the service is disconnected. When a customer's utilities services are scheduled to be disconnected for non-payment, an administrative fee of \$25.00 shall be charged to the customer's account each time the water, sewer, or garbage collection service is scheduled to be disconnected for non-payment. The administrative fee shall be charged regardless whether service is disconnected.

(f) If service is disconnected for nonpayment then service shall be re-connected on the same business day that payment is received in full by the City, provided payment is received by the City no later than 3:00 p.m. If payment is received by the City after 3:00 p.m. then service will be reconnected on the next business day. For service reconnection during regular business hours, the reconnect fee will be \$50.00. On weekends, holidays, and after regular business hours, the fee will be \$75.00.

(g) Meter Tampering: water meter tampering includes, but is not limited to, reconnecting meter (turning on), removing/cutting locks, and removing tags. Attempting to use water supplied by City of Wheeler without that water being measured and tracked through your water meter is also considered tampering. Tampering is subject to criminal charges Class B Misdemeanor. The city will prosecute violations to the full extent of the law. Tampering is punishable by both fines and prosecution. When a customer's meter has been tampered with, a \$25.00 tampering fee shall be charged to the customer's account, a \$25 lock cut fee may also be charged. If a lock is cut the meter will be pulled and a \$100 fee will be charged to the customer's account. The customer will be charged for the cost of meter if the meter is damaged during tampering. The customer will be required to add an additional \$200.00 deposit to any account that has had a tampering fee assessed on it for all future accounts with the city.

Section 4-2. Returned Payments and Charges

(a) Any payment that is subsequently returned does not constitute a payment.

(b) A \$35.00 fee shall be charged to a customer's account for each returned check or returned bank draft. Customers with returned checks or bank draft will no longer be able to pay their bill with check or draft for one year from date of last returned check.

Section 4-3. Payment Agreement

A payment agreement is offered to an account holder with a remaining unpaid balance after the cut-off/termination process. Terms of the payment agreement are negotiable based on the account balance and customer history.

Section 4-4. Theft of Services

Any person who turns on the water service or takes water from the City water supply without the approval of the City may be turned over to the proper authority for prosecution. The City reserves the right to prosecute any utility customer for theft of services, including costs and fees, in the appropriate jurisdiction.

Section 4-5 – 4-10. Reserved

ARTICLE 5 OTHER FEES, DEPOSITS, LINE EXTENSIONS AND CONNECTIONS

Section 5-1. Water Tap Fee

For any new water meter for a connection with the City's water system, each customer shall pay a tapping fee to the City. Such tapping fee shall be based on cost plus an administrative fee as determined by the City.

(a) Any Tie In	\$300.00
(b) ¾"	\$450.00
(c) 1"	\$700.00
(d) 1 ½"	\$925.00
(e) 2" and larger	Actual Cost

Section 5-2. Sewer Tap Fee

For any new sewer tap for a connection with the City's sewer system, each customer shall pay a tapping permit fee to the City of \$100.00. Provided, however, if an owner, builder or developer has the sewer line in place to the property line and no extension or connection is required to be performed by City personnel, no tapping fee shall be paid.

Lateral Connection Charge (tap size)	
(a) 4"	\$300.00
(b) 6"	\$750.00
(c) 8"	\$1,700.00

Section 5-3. Deposit Required for New Customers

A deposit shall be required at the time of connection with the water or sewer systems as follows:

New residential customers	\$75.00
New commercial customers	\$150.00

Additional Deposit for any customer, whether within or outside the City limits, that has tampered with their meter as defined in Section 2-1 (f) \$200.00

Section 5-4. Refund of Deposit

Any deposit made to the City for utility services shall be held by the City until the utility service for which the deposit was made shall be terminated. Upon termination of such service, the customer shall be entitled to a refund of such deposit, less any amount which is due and owing to the City for providing any utility service.

Section 5-5. Utility services lien authorized.

- (a) When delinquent charges imposed by this article for utility service remain unpaid the City may impose a lien on the City's behalf against the real property to which such service was delivered. If the customer of such service is a rental tenant only, the City may impose a lien against any real or personal property held individually or jointly by the customer for delinquent bills incurred by the customer. The lien shall include and secure the delinquent charges, penalties, interest, and collection costs. The City shall perfect the lien by filing a notice of lien containing a legal description of the property and the utility account number for the delinquent charges in the real property records of Wheeler County.
- (b) The lien authorized in this section shall not apply to bills for service connected in a tenant's name after notice by the property owner to the City that the property is rental property.
- (c) The lien authorized by this article shall not apply to homestead property as protected by the Texas Constitution.
- (d) The lien authorized in this section is superior to all liens except a bona fide mortgage lien that is recorded before the recording of the City's utility lien in the real property records of Wheeler County.

Section 5-6. House Connection

The House connection from the City lateral shall be installed at the expense of the customer in accordance with the regulations of the City and subject to inspection by the City.

Section 5-7 – 5-15. Reserved