

ORDINANCE NO. 2009-27

AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR POTABLE WATER, SANITARY SEWER, NATURAL GAS, AND GARBAGE COLLECTION AND DISPOSAL SERVICES; REPEALING ORDINANCE NO. 2008-24 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, pursuant to Section 82-50 of the Code of Ordinances of the City of Tomball, Texas, the City Council is to establish rates and charges for utility services provided by the City; and

WHEREAS, pursuant to Section 62-37 of the Code of Ordinances of the City of Tomball, Texas, the City Council is to establish rates and charges for garbage and trash collection and disposal services provided by the City; and

WHEREAS, the City Council now deems it necessary and appropriate to adjust such rates and charges heretofore established; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Definitions. For the purposes of this Ordinance, the following words shall have the meanings ascribed thereto:

- a. Residential shall mean a residential dwelling unit receiving service for which metering and billing is on an individual basis.
- b. Commercial shall mean all non-residential units, and residential units which are provided service, and are billed, collectively with one (1) or more other residential units.

Section 3. The monthly rates and charges for potable water provided by the City shall be as follows:

- a. Small Residential. A base rate of \$10.90, plus a consumption charge of \$2.85 for each 1,000 gallons used. "Small Residential" shall mean residential customers using less than 10,000 gallons or less during the billing month.
- b. Medium Residential. A base rate of \$12.54, plus a consumption charge of \$3.56 for each 1,000 gallons used. "Medium Residential" shall mean residential customers using 11,000 gallons or more but less than 17,000 gallons during the billing month.

- c. Large Residential. A base rate of \$14.42, plus a consumption charge of \$4.45 for each 1,000 gallons used. "Large Residential" shall mean residential customers using 17,000 gallons or more during the billing month.
- d. Small Commercial. A base rate of \$18.45, plus a consumption charge of \$3.45 for each 1,000 gallons used. "Small Commercial" shall mean commercial customers using less than 5,000 gallons during the billing month.
- e. Medium Commercial. A base rate of \$29.70, plus a consumption charge of \$4.32 for each 1,000 gallons used. "Medium Commercial" shall mean commercial customers using 5,000 gallons or more but less than 51,000 gallons during a billing month.
- f. Large Commercial. A base rate of \$51.99, plus a consumption charge of \$5.40 for each 1,000 gallons used. "Large Commercial" shall mean commercial customers using 51,000 gallons or more during a billing month.

Bulk Sales. A base rate of \$87.05, plus a consumption charge of \$4.83 for each 1,000 gallons used. Additionally, if a meter is desired, the deposit will be \$1,000.00.

The City collects additional surcharges, based on rates established by the North Harris County Regional Water Authority, for each 1,000 gallons used on behalf of NHCRWA, which will be adjusted as the surcharge increases.

Section 4. The monthly rates and charges for sanitary sewer services provided by the City for customers who receive potable water services from the City shall be as follows:

- a. Residential - Winter Rates (November-February): A base rate of \$8.51, plus a charge of \$2.98 for each 1,000 gallons of potable water used.

Residential - Summer Rates (March-October): Rates for summer months are calculated at the same rate as winter rates and may be based upon the previous winter months' average monthly water consumption. The rate charged shall be the lesser of actual water consumption or the previous winter month's average consumption.

- b. Small Commercial. A base rate of \$13.69, plus a consumption charge of \$3.78 for each 1,000 gallons of potable water used. "Small Commercial" shall mean commercial customers using less than 5,000 gallons of potable water during the billing month.
- c. Medium Commercial. A base rate of \$20.76, plus a consumption charge of \$4.72 for each 1,000 gallons of potable water used. "Medium Commercial" shall mean commercial customers using 5,000 gallons or more but less than 51,000 gallons in the billing month.

- d. Large Commercial. A base rate \$43.06, plus a charge of \$5.90 for each 1,000 gallons of potable water used. "Large Commercial" shall mean commercial customers using 51,000 gallons or more of potable water during a billing month.

Section 5. The monthly rates and charges for sanitary sewer services provided by the City for customers who do not receive potable water services from the City shall be as follows:

- a. Residential. A base rate of \$35.01, plus a charge of \$2.29 for each drain in excess of ten (10) drains within such residence.
- b. Commercial. A base rate of \$58.26, plus a charge of \$2.32 for each drain in excess of fifteen (15) drains within such commercial unit.

Section 6. The monthly rates and charges for garbage and trash collection and disposal services provided by the City, excluding applicable sales tax, shall be as follows:

- a. Residential. \$14.55
- b. Commercial
 - (1) Hand Loaded. For once a week pickup, \$23.10 for the first container, \$20.74 for each additional container. For twice a week pickup, \$28.44 for the first container, \$23.47 for each additional container. Each collection of excess garbage and refuse (i.e. - garbage and refuse in volume which exceeds the capacity of the approved container(s) for which the customer's regular billing is determined) shall be assessed a \$5.00 excess collection fee and can only be collected on Monday and Thursday collection days.

(2) Roll-Off Container:

	Size Container, Cubic Yards		
	20	30	40
Delivery Fee	\$ 115.46	\$ 115.46	\$ 115.46
Monthly Rental	141.36	141.36	141.36
Daily Rental	4.71	4.71	4.71
Haul and Disposal Rate	266.00	307.77	348.87

The monthly rental rate for a permanent container used more than a year is \$0. In order for a container to qualify as permanent, it cannot have an end date. (i.e. if a business was being constructed and used the container for 18 months during build out, then it would not be considered a permanent container, so the monthly rental rate would apply).

(3) Compactor/Equipment:

Monthly Rental	(As quoted)
Haul Rate	\$247.69
Disposal Fee/Ton	24.77

(4) Monthly Rate for Dumpsters:

Size	Extra Pickup Rate	Services Per Week					
		1	2	3	4	5	6
3 Yd – 1 st Container	\$25.00	\$73.53	\$116.90	\$176.07	\$220.62	\$274.95	\$330.29
Each add'l container		38.58	83.18	116.53	154.37	186.88	218.13
4 Yd – 1 st Container	\$30.00	79.54	126.54	189.31	237.59	295.12	355.69
Each add'l container		71.13	113.25	171.20	213.24	266.42	292.42
6 Yd – 1 st Container	\$35.00	103.70	161.59	243.57	305.08	381.05	455.78
Each add'l container		91.61	145.77	219.45	274.76	332.00	410.86
8 Yd – 1 st Container	\$45.00	124.19	198.94	296.57	372.56	456.44	558.21
Each add'l container		112.16	179.60	267.63	334.89	389.02	502.42

(5) <u>Locking Dumpsters</u> - Gravity Lock System	\$55.00
Front Panel Padlock System	\$40.00

(6) Exchange Charge - \$45.00

Section 7. The monthly rates and charges for natural gas provided by the City shall be as follows:

- a. All Customers. A base rate of \$12.75, plus \$12.75 for each thousand cubic feet (MCF) after the first thousand cubic feet (MCF).

Section 8. The charges for connections and disconnections of utility services provided by the City, including those provided at customer request or convenience, or as a result of delinquent accounts, shall be as follows:

- a. During Normal Scheduled Service Periods (7:00 a.m.-4:45 p.m. weekdays), a Service Call-Out Fee of \$50.00, as a result of a delinquent account, or at a customer's request, excluding new service.
- b. During Unscheduled Service Periods (after hours and weekends), a Service Call-Out Fee of \$100.00, at a customer's request, including new service.

Section 9. The charge for damage to utility facilities from (i) customer's tampering with valves, or (ii) customer's damaging meter in any manner, shall be \$200.00.

Section 10. Delinquent Accounts.

- a. All utility bills, both residential and commercial, shall be due and payable on the close of the last business day of the month. If the month ends on a Saturday, Sunday, or holiday, the bill is due on the prior business day (the last workday of the City at closing time on that day).
- b. Residential customers who are age 65 and over or considered disabled by Social Security may be exempt from penalty fees for late payment upon application accompanied by verifying documentation to the Utilities Supervisor. This exemption may not exceed the final date of benefits designated by the Social Security Administration.
- c. Within two (2) work days following the "Due Date" a "Cut-off Notice" shall be mailed to customer giving notice that following the expiration of seven (7) days following such notice service will be discontinued unless the customer requests a hearing before the Utilities Supervisor regarding such proposed disconnection prior to the expiration of such seven (7) day period.
- d. Upon the showing of good cause and arrangement for prompt payment by a customer, the Utilities Supervisor shall be authorized to withdraw a disconnection order. Any such action by the Utilities Supervisor shall be evidence in writing, outlining the basis for the decision and, if applicable, the required payment schedule for the customer. The Utilities Supervisor shall cause a copy of such order to be delivered to the appropriate billing personnel of the City.

Section 11. Repealer. City of Tomball Ordinance 2008-24 passed and approved the 15th day of September, 2008 is hereby repealed. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 12. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any

person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 13. Effective Date This ordinance shall be effective October 1, 2009.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF SEPTEMBER, 2009.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN WEBB	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF OCTOBER, 2009.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN WEBB	<u>ABSENT</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>



GRETCHEN FAGAN
Mayor

ATTEST:



DORIS SPEER
City Secretary