

CITY OF NEDERLAND

ORDINANCE NO. 2009-21

AN ORDINANCE ESTABLISHING WATER AND SEWER RATES, WATER METER DEPOSITS, WATER AND SEWER CONNECTION FEES, WATER AND SEWER MAINTENANCE FEES, TRASH REMOVAL, AND GARBAGE RATES, AND PROVIDING FOR THE ADDITION OF STATE MANDATED SALES TAX TO THE GARBAGE PORTION OF THE RATE, INSIDE AND OUTSIDE THE CITY OF NEDERLAND, TEXAS, AND FURTHER PROVIDING FOR INTEREST PENALTIES, RE-CONNECTION CHARGES, TRANSFER FEES, AND RETURNED CHECK FEES AND REPEALING ORDINANCE NO. 2008-17.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEDERLAND, TEXAS:

WHEREAS, a revision should be made in the rates for utility services now being charged by the City of Nederland, Texas, inside the city limits and outside the city limits.

SECTION 1. Repeal of Previous Ordinances and Regulations.

1. All other ordinances and/or regulations governing City of Nederland water and sewer service in conflict with this ordinance are hereby repealed when this ordinance takes effect, provided, however, the repeal of prior ordinances does not waive, excuse, or vacate any balances due for water services provided hereunder and the City may collect such balances due.

SECTION 2. Water and Sewer Systems.

1. The water system and sewer system are public utilities operated and maintained by the City of Nederland. The systems shall be operated in accordance with ordinances and policies adopted by the City of Nederland, State law, and/or Federal law. Subject to such requirements, the City Manager may make such reasonable regulations as to govern the water and sewer systems to ensure their continued operation.
2. For the purpose of this ordinance, the terms "water service" and "utility service" shall be inclusive of water service, sewer service, and garbage/trash services as provided by the City of Nederland.
3. For the purpose of this ordinance, the term "customer" shall mean the person responsible for payment and/or all persons acting for him/her or by his/her direction.

SECTION 3. Application for Water Service.

1. Any person and/or business required to or desiring to obtain water service from the City of Nederland shall make application on a form supplied by the City. The application shall include: a) name of the individual to be responsible for the payment of utility service; b) the social security number of the individual responsible for payment; c) the driver's license number; d) the applicant's employer; e) the applicant's work telephone number; f) address to be served; g) address, if different from the service address, to which bills are to be sent; h) home telephone number; i) the signature of the individual responsible for payment, and j) proof of identification.
2. The person responsible for the payment of utility service shall agree that he/she will abide by all ordinances, rules, policies, and/or regulations governing water and sewer service provided by the City.

SECTION 4. Installation of Service.

1. No private service lines shall be connected or tapped to any City water line unless a meter is installed by the City at that connection.
2. No private service lines shall be connected to any City sewer line unless the connection/tap has been made and/or approved by the City.
3. Not more than one (1) premise may be connected to any one (1) water and/or sewer tap. Exceptions may, however, be granted to this stipulation for situations involving a master meter to serve apartment complexes, mobile home parks, etc.
4. No person shall make or permit to be made any subsidiary connection of another's premises with his/her water or sewer service.
5. If approved by the City, additional water services may be provided to residences and/or businesses for water to be utilized for purposes such as outside watering, swimming pools, etc. In this situation, water provided by such separate service will not be discharged through the City's sewer system.

SECTION 5. Water Connection/Taps.

1. The City reserves the right to tap existing City water lines, set water meters, and require use of City taps and meters.
2. Any individual or business desiring a water tap shall make said request to the City. If said request, in the City's opinion, is beneficial to the City and/or does not endanger the existing water line and/or water system, the City shall provide all materials, labor and equipment to tap the existing water line.
3. The City shall make the final determination as to the location of the water tap.
4. The water connection fees are as follows:

	Inside City (No Street Excavation)	Outside City (No Street Excavation)
3/4" Water Tap	\$ 350.00	\$ 525.00
1" Water Tap	450.00	675.00
1 ½ " Water Tap	650.00	975.00
2" Water Tap	1,400.00	2,100.00
Over 2" Water Tap	Cost	Cost x 1.5

If street excavation is required, the following fees will be assessed in addition to the fees listed above:

Length	Additional Cost for Street Excavations	
	Asphalt	Concrete
1' – 10'	\$200.00	\$ 300.00
11' – 20'	375.00	550.00
21' – 30'	525.00	675.00
31' – 40'	700.00	875.00
41' – 50'	850.00	1,050.00

5. In return for payment of such fee, the City shall tap the existing City water line and install a water meter. The fee does not include the cost of the meter deposit as provided in Section 7.

SECTION 6. Sewer Connection/Taps.

1. The City reserves the right to tap existing City sewer lines.

2. Any individual or business desiring a sewer tap shall make said request to the City. If said request, in the City's opinion, is beneficial to the City and/or does not endanger the existing sewer line and/or sewer collection system, the City shall provide all materials, labor and equipment to tap the existing sewer line.
3. The City shall make the final determination as to the location of the sewer tap.
4. The sewer connection fees are as follows:

8" depth/width or less	Inside City <small>(No Street Excavation)</small>	Outside City <small>(No Street Excavation)</small>
4" Sewer Tap	\$200.00	\$300.00
6" Sewer Tap	300.00	450.00
8" Sewer Tap	400.00	600.00
8" depth/width or more	Inside City <small>(No Street Excavation)</small>	Outside City <small>(No Street Excavation)</small>
4" Sewer Tap	Cost	Cost x 1.5
6" Sewer Tap	Cost	Cost x 1.5
8" Sewer Tap	Cost	Cost x 1.5

If street excavation is required, the following fees will be assessed in addition to the fees listed above:

	Additional Cost for Street Excavations	
Length	Asphalt	Concrete
1' – 10'	\$200.00	\$ 300.00
11' – 20'	375.00	550.00
21' – 30'	525.00	675.00
31' – 40'	700.00	875.00
41' – 50'	850.00	1,050.00

SECTION 7. Water Meter and Garbage Container Deposits.

1. In order to establish water, sewer, and garbage service, an applicant for said services shall be required to pay a deposit to the City in accordance with the following schedule:

	Inside City	Outside City
3/4" and Smaller Water Meter	\$100.00	\$100.00
1" Water Meter	150.00	150.00
1 ½ " Water Meter	200.00	200.00
1 ¾ " Water Meter	250.00	250.00
2" and Larger Water Meter	300.00	300.00

2. In order to be provided with an additional garbage container, which shall be limited to one (1) additional garbage container per account, an applicant shall be required to pay an additional deposit of \$75.00. No deposit will be required if customer has paid his bill in full by the due date specified on each individual bill for a period of twelve (12) consecutive months immediately prior to the request for an additional garbage container.

SECTION 8. Application of Deposit.

1. Upon the termination of water service, at the request of the customer, the deposit or any portion of the deposit remaining shall be returned to the customer when water and all other charges have been paid.
2. Current customers, who continue to maintain utility service and who have, each month, paid their bill in full and by the due date specified on each individual bill for a period of twelve (12) consecutive months shall, at their request, be refunded the full amount of their deposit.

SECTION 9. Previous Service - Outstanding Balance.

1. Any applicant requesting water service from the City who has previously had City water service and has, at the time of application, an outstanding balance on his/her previous water service must pay the outstanding balance in full in addition to the meter deposit prior to receiving new service.

SECTION 10. Water Rates.

The following monthly rates shall be charged for water service:

	Inside City	Outside City
First 2,000 Gallons (minimum)*	\$ 7.95	\$ 12.45
Each additional 1,000 gallons**	2.25	4.00
Water Line Maintenance – per 1,000 gallons (above minimum)	0.26	0.26

* Effective July 1, 2007, where water service is provided to multiple units served by one meter, the minimum rate for the first 2,000 gallons will be charged for each unit based upon ninety percent (90%) occupancy of the total number of units.

**Except as required by provisions of outside City contracts.

SECTION 11. Sewer Rates.

The following monthly rates shall be charged for sewer service:

	Inside City	Outside City
First 2,000 Gallons (minimum)*	\$ 8.75	\$ 14.80
Each additional 1,000 gallons**	2.90	4.35
Water Line Maintenance – per 1,000 gallons (above minimum)	0.26	0.26

* Effective July 1, 2007, where water service is provided to multiple units served by one meter, the minimum rate for the first 2,000 gallons will be charged for each unit based upon ninety percent (90%) occupancy of the total number of units.

**Except as required by provisions of outside City contracts.

SECTION 12. Garbage Rates.

1. All residences inside the City limits shall be required to use the City of Nederland garbage service in accordance with the following schedule:

Inside City Rates (per month)\$	16.75 + sales tax*
Additional Container	5.00 + sales tax*

*Sales tax shall be in an amount required by law

SECTION 13. Billing and Penalty.

1. All charges on utility service bills shall be due and payable to the City at the City Office Building fifteen (15) days after the date the bill is mailed to the person responsible for payment.
2. If payment is not received by the sixteenth (16th) day, a ten percent (10%) penalty shall be assessed.
3. Notwithstanding the provisions of 1 and 2 above, in accordance with Section 182.002 of the Texas Utilities Code, the ten percent (10%) penalty shall not be applied to persons age 60 or

older until the 25th day after the date on which the bill was issued, provided that such person has made a request for delay, presented reasonable proof of their age, and is a residential customer who has occupied, and shall continue to occupy, the entire premises for which a delay is requested.

4. Should the fifteenth (15th) day fall upon a weekend, holiday, or any day that the City Office Building is closed, a grace period of two (2) days shall be granted.

SECTION 14. Delinquency - Termination of Service.

1. If full payment is not received by the City by the next date at which the water meter is read, a subsequent utility bill shall be mailed for the current reading plus the amount owed on the previous billing including the ten percent (10%) penalty.
2. If full payment is not received on the date on which the subsequent utility bill is due, all utility service shall be disconnected. A final written notice shall be mailed to the customer's premises on the Thursday following the due date indicating that services shall be disconnected on the Wednesday immediately following the issuance of such notice.

SECTION 15. Re-connection Charges.

1. Should utility service be discontinued due to non-payment of a utility bill, all funds due to the City, in addition to a re-connection fee shall be paid prior to reinstatement of utility service. The re-connection fee shall be \$20.00 if reinstatement of utility service is requested during working hours (8:00 a.m. to 4:30 p.m., Monday through Friday). The re-connection fee shall be \$60.00 if reinstatement of utility service is requested after working hours. If customer does not have a \$200 deposit on file, he will be required to pay a deposit in addition to the account balance and reconnection fees before utility service is reconnected.
2. Should service be discontinued, the City shall install a lock on the water meter. Should the customer or any person tamper with the lock and damage it, a \$20.00 fee shall be assessed. This fee shall be paid, in addition to all other charges, prior to reinstatement of service.
3. Should any person turn on water service, after the City has discontinued the service for non-payment, such action shall be considered a criminal offense.
4. Should a customer be repeatedly disconnected due to non-payment, the City may require the following:
 - a. Payment for the delinquent bill in the form of cash, money order, and/or cashier's check.
 - b. The City retains the option of requiring payment for utility bills by cash, money order, and/or cashier's check for all future utility billings.
5. If payment is made with a check returned insufficient funds due to the issuance of a disconnection notice, water will be immediately disconnected.

SECTION 16. Transfer Fee.

1. A transfer fee, in the amount of \$15.00, shall be assessed for transferring service within the City's utility service system. The current and final balance, if any, on the account transferred plus \$15.00 will be added to the customer's new account.

SECTION 17. Returned Check Fees.

1. Any customer who pays his/her utility bill with a check which is returned from the financial institution due to, but not limited to, insufficient funds and/or closed account shall be assessed a \$25.00 fee.
2. The City may, at the request of the customer, re-run the check. If the check is accepted, the fee shall be waived. However, if the check continues to be returned, the City shall require

that the bill be paid by cash, money order, or cashier's check.

3. The City retains the right to prosecute for returned checks in accordance with the Texas Penal Code.
4. If a check is returned unpaid due to the financial institution error, the financial institution shall submit written verification of such error. In this situation, the fee shall be waived.
5. Should a customer have more than two (2) checks returned due to insufficient funds and/or closed account within a period consisting of twelve (12) consecutive months, the City shall no longer accept checks from that individual for a period of 24 months. During the 24 month period, all payments shall subsequently be made in the form of cash, money order, and/or cashier's check.

SECTION 18. Temporary Service.

1. Should a customer request temporary service, no deposit shall be required, unless the customer is in arrears on other accounts.
2. The duration of such temporary service shall not exceed fifteen (15) calendar days. Customer shall be billed for actual usage.
3. Should the account become delinquent, the customer shall not be allowed to begin any new service until all delinquent monies are paid.

SECTION 19. Failure to Receive a Bill.

1. All bills for utility service shall be rendered monthly in accordance with a schedule established by the City. The City shall exercise care in the delivery of utility bills, but is not responsible for the service provided by the United States Postal Service.
2. Failure to receive a bill shall not relieve the customer for payment of service received within the prescribed period nor exempt him/her from the responsibility imposed for delinquent accounts.

SECTION 20. Deferred Payments.

1. The City Manager and/or his/her designee shall be empowered to develop payment schedules should a customer be unable to pay his/her bill.
2. Should a customer not be able to pay his/her account by the due date, he/she must contact the City prior to the due date and request that a payment schedule be developed.
3. Should a customer not contact the City prior to the issuance of a disconnection notice, he/she shall be required to pay the entire amount of the bill in order to retain water service.
4. The customer and the City may develop a payment schedule which shall be documented on a form supplied by the City. This form shall include, but not be limited to, the following information: a) dates of future payments; b) amounts of future payments; and c) signature of the customer. Should the customer subsequently not comply with the payment schedule, water service shall be disconnected and shall not be reinstated until the full amount owed on the bill is paid.
5. In no case shall the City abdicate the right to refuse a payment schedule as presented by the customer.
6. If a customer fails to comply with the provisions of their payment schedule, he/she shall not be permitted to establish additional payment schedules until full payment has been received on the initial/existing payment schedules.

SECTION 21. Sewer Adjustments.

1. The City Manager and/or his/her designee shall be empowered to make adjustments on utility bills when an investigation reveals that the meter charges are excessive in comparison to previous billings due to inadvertent misfortune or inadvertent damage to a customer's pipes and plumbing. Customer must show proof leak has been repaired before issuance of adjustment.
2. Any adjustments made to the utility bill shall be made to the cost for sewer service, including base rate and maintenance fee. An adjustment will be made based upon an average of six (6) monthly bills during the previous six (6) month period.
3. In the event that water usage during the billing period exceeded 50,000 gallons, the cost of water shall be adjusted by one-third (1/3) of the excess water usage based upon an average of six (6) monthly bills during the previous six (6) month period. Such an adjustment, however, shall only be made for those customers whose monthly bill averages less than 50,000 gallons based upon an average of the preceding twelve (12) months. Any adjustment to the cost of water shall only be made if the customer provides verification that a leak existed and that repairs have been made.
4. In no case shall a sewer adjustment be granted if the City notified the customer of a potential water leak on his/her property.
5. Sewer adjustments will be limited to one per twelve month period.
6. A sewer adjustment will be granted the first time a swimming pool is filled upon construction. To be eligible for an adjustment, the customer must have a Building Permit issued by the City of Nederland Inspections Department.

SECTION 22. Meter Tampering.

1. It is unlawful for any person to turn on water to any premises from the City water system without first obtaining approval from the City.
2. It is unlawful for any person to connect water service to a premises after service has been terminated by the City.
3. It is unlawful to interfere with, disturb or damage in any manner or form any water meters, locks, cutoff valves, or other appliances of the City. The head of household or property owner involved shall be held responsible for the violation of this section.
4. Tampering fees of up to five hundred dollars (\$500.00) shall be assessed where a meter has been interfered with, disturbed, or damaged.

SECTION 23. Trash Removal Rates.

1. Trash blocking drainage - a service fee of \$50.00 - \$200.00 will be charged to the owner of the property when it becomes necessary to clear a ditch of trash and/or debris during, before, and/or after a rainstorm to prevent possible flooding. The fee shall be based upon the amount of work performed by the City.
2. Miscellaneous trash and/or debris, defined as green waste and/or any other bulky items not able to be placed into the standard City garbage container, from empty (undeveloped or vacant) property must be hauled off by the owner or developer at their expense.
3. The City will provide collection of trash to customers receiving garbage service twice per month. The amount of trash removed shall be limited to four (4) cubic yards per collection.
4. Should an owner of property within the City request the removal of trash, the City may do so at a cost equivalent to the actual costs of personnel, equipment, and disposal fees. The

amount of trash to be collected shall not exceed four (4) cubic yards at any one time. Such service shall be provided at the discretion of the City dependent upon such factors including, but not limited to, existing work load, and scheduling. This provision shall not apply to the accumulation of trash due to work performed by contractors and/or individuals/companies hired by the property owners.

SECTION 24. Validation.

1. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

This ordinance shall take effect January 1, 2010.

PASSED AND APPROVED by the City Council of the City of Nederland, Texas at a regular meeting this the 23rd day of November 2009.

R. A. Nugent, Mayor
City of Nederland, Texas

ATTEST:

Joni Underwood, Executive Secretary
City of Nederland, Texas

APPROVED AS TO FORM AND LEGALITY:

Jesse Branick, City Attorney
City of Nederland, Texas