

**ORDINANCE 2022-12
WASTE WATER RATES**

AN ORDINANCE OF THE CITY OF PRESIDIO, TEXAS ESTABLISHING THE WASTE WATER RATES FOR INSIDE THE CITY AND PROVISION FOR OUT OF CITY LIMITS SERVICE RATES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; CONFLICTS AND REPEAL; EFFECTIVE DATE; NO VESTED INTEREST; PENALTIES AND ENFORCEMENT; PROPER NOTICE AND MEETING. SHOULD ANY PREVIOUS ORDINANCE CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE, THIS ORDINANCE WILL TAKE PRECEDENCE.

WHEREAS, the City Council of the City of Presidio seeks to promote the health, safety and general welfare of the citizens of the City, and the best interests of the city; and

WHEREAS, the City Council seeks to ensure that sewer utility service is adequate and efficient for the citizens of the City, and all sewer rates imposed are necessary and attributable to the costs incurred and will be automatically be adjusted on October 1st of each year by a 2% increase to cover the cost of inflation;

WHEREAS, pursuant to Texas Local Government Code section 51.001, the City Council is authorized to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code section 51.012, the City Council is authorized to adopt an ordinance, not inconsistent with state law, that the Council considers proper for the government, interest, welfare or good order of the City; and

WHEREAS, pursuant to Chapter 402 of the Texas Local Government Code and other laws, the city is authorized to operate its sewer utility facilities inside or outside its municipal boundaries; and

WHEREAS, the City owns and operates the sewer utility facilities, and sanitation and landfill; and

WHEREAS, pursuant to Chapter 13 of the Texas Water Code and the City's Certificate of Convenience and Necessity, the City has the authority and responsibility to provide water and sewer services to its customers:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRESIDIO, COUNTY OF PRESIDIO, AND STATE OF TEXAS:

SECTION 1: FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Presidio ("City") and are hereby approved and incorporated into the "body of this Ordinance as if copied in their entirety.

SECTION 2: ADOPTION OF RATES

A. WASTEWATER RATES: These rates are applicable to all city residential, multi-family and commercial wastewater customers within the corporate limits of the City of Presidio who have metered water connections and to all city water customers within the Corporate limits to whom City of Presidio sanitary sewer service has actually been connected, except for customers who have a septic system or customers who have a water meter for irrigation use only, as long as the irrigation meter does not provide water to plumbing fixtures.

BASE RATES PER MONTH

INSIDE CITY LIMITS:

Residential: \$25
Commercial: \$33 base rate plus a \$1.50 per 1,000 gallons over 10,000 gallons of metered water.

OUTSIDE CITY LIMITS:

Residential \$37.50
Commercial \$49.50 base rate plus a \$2.25 per 1,000 gallons over 10,000 gallons of metered water.

B. SEPTIC DISPOSAL FEES

The requirements, minimums and fees for disposal of septic material loads at the wastewater facility by appointment during regular business hours (Monday through Friday 8am to 4pm):

200-gallon minimum
Spillage cleanup fee, per hour ... 103.00

Sewage Disposal companies that operate their business inside the Presidio city limits and collect Presidio sales tax on their services shall pay a rate of twenty cents (\$0.20) per gallon plus a \$50 access fee.

Sewage Disposal companies that operate their business outside the Presidio city limits shall pay a rate of twenty-four cents (\$0.24) per gallon plus a \$50 access fee.

All disposal of sewage waste is subject to the rules and regulations of the Texas Commission on Environment Quality.

The city retains the right to refuse any load. Any spillage on the disposal site not cleaned up by haulers will be billed a spillage clean up fee to the disposal company's account. Septic waste shall not be mixed with grease or grit loads.

Equipment used to haul sewage in to the disposal plant shall have an inspection sight glass tube.

Equipment used to haul sewage in to the disposal plant shall have a tank gauge to determine the amount to be billed or the maximum tank size capacity will be used for the billing.

Equipment used to haul disposal in to the disposal plant must have a three-foot drain hose with a quick connection from the disposal tank to minimize spillage.

WASTEWATER CONNECTION FEES

Connection to the City of Presidio Waste Water System will be billed at the following rates:

Inside City Limits - \$450, to include up to 50 feet of 4-inch sewer pipe

Outside City Limits - \$675 to include up to 50 feet of 4-inch sewer pipe

Any additional required pipe or other materials will be charged to the customer at current market rates.

The customer has the option of paying this fee over a period of 18 months.

Any occupied building within the city limits of the City of Presidio shall connect the occupied building to the City Wastewater System if such system is available.

LATE PAYMENT PENALTY

The amount due shall be payable at city hall by the fifteenth day of each month following the billed date. If the amount due is not paid on or before the due date, a ten-percent penalty shall be added to the balance due on said account.

SECTION 3: CONFLICTS AND REPEAL

The provisions of this Ordinance shall be cumulative of all other ordinance or parts of ordinance, resolution and fee schedules governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinance or resolution or parts of resolutions inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance or resolution.

SECTION 4: EFFECTIVE DATE

Ordinance 2022-12 shall become effective immediately upon passage with annual increases of 2% for 5 years with the annual increase taking effect on the 1st day of October each year.

PASSED AND ADOPTED THIS 5th **DAY OF** December **2022 BY THE CITY COUNCIL OF THE CITY OF PRESIDIO, TEXAS.**

INTRODUCTION AND FIRST READING

SECOND AND FINAL READING

5th December 2022

_____ 2023

John Ferguson
John Ferguson,
City of Presidio



ATTEST:

APPROVED AS TO FORM:

Brenda Ornelas-Acuña

Brenda Ornelas-Acuña, City Secretary
City of Presidio

Alan Bojorquez, City Attorney or

Marianella Joseph, Assistant City Attorney
City of Presidio