

ORDINANCE NO. _____

**ORDINANCE AMENDING THE CITY CODE OF ORDINANCES
RELATING TO CHAPTER 114 UTILITIES; ARTICLE III (“WATER”),
DIVISION 2 (“RATES AND CHARGES); PROVIDING PENALTIES;
PROVIDING FOR REPEAL ALL PRIOR LAW IN CONFLICT
HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS that the following amendments are adopted as Amendments to Chapter 114 Utilities; Article III; Section 114-88.1 of the Code of Ordinances.

Section One. The following additions and deletions are to be made to Section 114-88.1 of Chapter 114, Article III of the Code of Ordinances. All additions and deletions are shown as such.

Sec. 114-88.1. - Methodology for utility rates.

- (a) Monthly service charges are fees for being connected to the water utility and vary based on the size of the meter. Consumption charges are billed separately.
- (1) Single-family residential customers will be billed a monthly rate by meters size which includes 2,000 gallons of water.
- (2) Multifamily customers will be billed a monthly rate based on meter size. ~~Rates shall be the same as non-residential users (commercial).~~
- (3) Nonresidential (commercial) customers will be billed a monthly rate by meter size.
- (4) ~~Customers with~~ irrigation meters shall be ~~charged billed~~ a ~~per month charge based on monthly rate~~ by meter size ~~and type of rates (residential or commercial) shall be based on customer account type according to rate class.~~ No sewer charge shall ~~apply~~.
- (5) Fire sprinklers shall be charged a per month charge based on meter size and type of rates (residential or commercial) shall be based on customer account type. No sewer shall be charged.
- (b) Consumption (**Volumetric**) charges are based on monthly water consumption and may include rates that increase with higher consumption (known as conservation rates) or higher peak demand requirements that increase system costs. Consumption charges vary by account ~~type~~ **class**.

Section Two. Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Bay City, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section Three. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this

Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section Four. Effective Date. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on this _____ day of _____, 2021.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary
City of Bay City

Anne Marie Odefey, City Attorney

| <u>Council Member:</u> | <u>Voted Aye</u> | <u>Voted No</u> | <u>Absent</u> |
|----------------------------------|-------------------------|------------------------|----------------------|
| Robert K. Nelson Mayor | _____ | _____ | _____ |
| Floyce Brown | _____ | _____ | _____ |
| James Folse | _____ | _____ | _____ |
| Jason Childers, Mayor Pro Tem | _____ | _____ | _____ |
| Becca Sitz | _____ | _____ | _____ |
| Brent Marceaux | _____ | _____ | _____ |