

**ORDINANCE NO. 23-09**

**AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING APPENDIX A, “FEE SCHEDULE”, SECTION X(L), “SEWER SERVICE CHARGES”, OF THE BRECKENRIDGE CODE OF ORDINANCES TO INCREASE THE BASE MONTHLY RATE; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Breckenridge, Texas (the “City”) is a home-rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

**WHEREAS**, the City operates a waste water system and “may regulate the system in a manner that protects the interests of the” City pursuant to Section 552.001(b) of the Texas Local Government Code;

**WHEREAS**, the City’s waste water system is in constant and dire need of repairs due to its age and past City policy and practices has put much of the burden for said repairs on the City; and

**WHEREAS**, the City Commission of the City wishes to increase the base rate for sewer services by five dollars (\$5.00) so the City may recover for past and future repairs of the waste water system.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:**

**I. Amendment to Appendix A.** Section X(L), “Sewer Service Charges”, of Appendix A, “Fee Schedule”, of the Breckenridge Code of Ordinances is hereby amended as follows. All other provisions of Appendix A not specifically amended by this Ordinance remain in full force and effect.

(L) Sewer Service Charges (Sec. 21-44):

		Inside City Limits	Outside City Limits
(1)	Residential Single Family:		
	First 5,000 gallons (minimum):	<del>\$45.00</del> <b>\$50.00</b>	<del>\$71.25</del> <b>\$76.25</b>
	Over 5,000 gallons, per thousand:	\$4.50	\$7.10
	Maximum monthly charge:	<del>\$93.75</del> <b>\$98.75</b>	<del>\$140.60</del> <b>\$145.60</b>
(2)	All other use:		
	First 5,000 gallons (minimum):	<del>\$49.50</del> <b>\$54.50</b>	<del>\$78.40</del> <b>\$83.40</b>

	Over 5,000 gallons, per thousand:	\$6.00	\$9.50
	Maximum monthly charge:	<del>\$500.00</del> \$505.00	<del>\$750.00</del> \$755.00
(3)	*Sewer Irrigation Credit:		
	Residential Single Family:	\$30.00	\$60.00
	All other use:	\$105.00	\$210.00
(4)	Texas Department of Criminal Justice – Walker Sayle Unit:		
	Per thousand gallons of water, or portion thereof, used monthly:	\$5.05	
(5)	If a customer installs a separate irrigation meter to provide for the separate metering of irrigation water they may request to be charged for water use only and not to be charged for sewer services.		

**II. Repeal.** Any prior ordinances or ordinance provisions are hereby repealed to the extent they are in conflict with the terms of this Ordinance. Any remaining provisions of said ordinances shall remain in full force and effect.

**III. Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Breckenridge hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared unconstitutional or invalid.

**IV. Effective Date.** This Ordinance shall become effective immediately upon its adoption on second reading as required by Section 4-19 of the City Charter. **The rates adopted herein shall go into effect on June 10, 2023.**

PASSED and APPROVED on first reading on this the 2<sup>nd</sup> day of May 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this the 6<sup>th</sup> day of June 2023.

ATTEST:

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Bob Sims, Mayor

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Jessica Sutter, City Secretary

S E A L