

## **ORDINANCE**

**AN ORDINANCE ESTABLISHING RATES TO BE CHARGED FOR WATER AND WASTEWATER SERVICE IN THE CITY OF BURLESON; INCORPORATING THE RECITALS INTO THE BODY OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE, CUMLUATIVE CLAUSE, AND SAVINGS CLAUSE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Burleson, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council passed an ordinance in September of 2021 which, among other things, provided rates to be charged for water and wastewater service; and

**WHEREAS**, the rates for water and wastewater may be amended from time to time as provided by Section 82-2 of the City of Burleson Code of Ordinances; and

**WHEREAS**, the rates and fees industrial waste discharge as described in Article II (Industrial Waste Discharge) of Chapter 82 (Utilities) of the City of Burleson Code of Ordinances may be amended from time to time; and

**WHEREAS**, the City Council desires set new rates for water and wastewater service; and

**WHEREAS**, City Council desires to set new fees and rates related to industrial waste discharge; and

**WHEREAS**, the City Council has determined that adopting the rates for water and wastewater service as set forth herein is in the best interest of the City.

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

### **Section 1**

The base water rates per meter size shall be as follows:

3/4"	\$ 15.56
1"	\$ 22.41
1.5"	\$ 42.19
2"	\$ 62.18
3"	\$149.55
4"	\$ 249.26
6"	\$ 497.41
8"	\$ 745.56

10"	\$ 991.51
12"	\$1,144.90

## **Section 2**

In addition to the base water rate per meter size, the water rates for all areas of the City are as follows:

- (1) 1 gallon to 10,000 gallons

<u>Meter Size</u>	<u>Charge</u>
all	\$4.76/1000 gallons

- (2) 10,001 gallons to 20,000 gallons

<u>Meter Size</u>	<u>Charge</u>
all	\$5.75/1000 gallons

- (3) Over 20,000 gallons

<u>Meter Size</u>	<u>Charge</u>
all	\$6.57/1000 gallons

- (4) Gas Well Drilling

<u>Meter Size</u>	<u>Charge</u>
all	\$13.55/1000 gallons

## **Section 3**

The base wastewater rate shall be as follows: \$19.16/month.

## **Section 4**

The wastewater volume rates are as follows:

### **Residential**

Residential wastewater volume will be determined as the average of water consumption billed in the months of January, February, and March up to a maximum of 12,000 gallons. If a customer has not established an average for these three months, wastewater volume will be determined as the citywide residential average for those months.

The rate applied to this volume will be \$5.32 per 1,000 gallons.

Maximum wastewater charge to residential customers using wastewater services only:

Maximum residential wastewater rate: \$83.00

#### Commercial

All usage: \$5.32 per 1000 gallons

#### Abnormal Sewage Surcharge

Commercial customers whose discharge is found to qualify under the abnormal sewage ordinance will be surcharged according to the following rates:

Biochemical Oxygen Demand (BOD) \$0.4407 per pound

Total Suspended Solids (TSS) \$0.2649 per pound

### **Section 5**

That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

### **Section 6**

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 7**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Burleson, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

### **Section 8**

All rights and remedies of the City are expressly saved as to any and all provisions of any

ordinance affecting water and wastewater fees of the City and to any and all violations of the provisions of any prior ordinance pertaining to water and wastewater fees and regulations within the City which have accrued as of the effective date of this ordinance; as to such accrued fees, collection activity, violations, and any pending litigation, both civil and criminal, whether pending in court or not, under such prior ordinances, same shall not be affected by this ordinance but may be prosecuted and pursued until final disposition by the courts.

### **Section 9**

That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

### **Section 10**

This ordinance shall be in full force and effect October 1, 2022 and after its passage and publication as provided by law.

#### **PASSED AND APPROVED:**

**First Reading:** the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**First Reading:** the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney