

ORDINANCE NO. 2022.08.23.____

AN ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS, AMENDING THE CITY OF GLEN ROSE CODE OF ORDINANCES, SECTION 13.03.104(B) SEWER RATES; RESIDENTIAL WINTER AVERAGING; PROVIDING FOR REPEALING, SEVERABILITY, AND PROPER NOTICE, MEETING, AND QUORUM CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Glen Rose (City) is a Type A General Law Municipality;

WHEREAS, the City operates water, wastewater, and municipal solid waste collection utilities;

WHEREAS, pursuant to Section 13.042 of the Texas Water Code the governing body of each municipality has exclusive original jurisdiction over all water and sewer utility rates, operations, and services provided by a water and sewer utility within its corporate limits:

WHEREAS, Section 13.03.104(b) "Residential winter averaging" allows winter averaging to be used in calculating residential sewer rates to protect residential customers from having to pay sewer charges for water used for landscaping;

WHEREAS, commercial accounts have been excluded from sewer winter averaging because the majority of those accounts have higher wastewater usage during the spring through fall tourist season and if winter averaging were used, those accounts wouldn't be paying their fair share of the costs of operating the City's wastewater collection and treatment system;

WHEREAS, sewer usage by some commercial customers, like residential customers, is fairly consistent year round;

WHEREAS, including qualifying commercial customers which have automatic sprinkler systems and fairly consistent usage of the City's sewer system throughout the year, would help them avoid paying sewer charges for water that does not go into the City's sewer system, but instead is used for landscaping; and,

WHEREAS, the City Council has determined for the good government, peace, and order of the municipality, Section 13.03.104(b) "Residential winter averaging" of the City's Code of Ordinances needs to be amended to allow qualifying commercial accounts to participate in sewer winter averaging.

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

**SECTION 1
INCORPORATION OF RECITALS**

All of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2
AMENDING SECTION 13.03.104(b) RESIDENTIAL WINTER AVERAGING

The City of Glen Rose Code of Ordinances, Sec. 13.03.104(b) *Residential winter averaging* is hereby amended to read as follows:

Sec. 13.03.104(b) ~~Residential~~ Winter averaging.

(1) The monthly volume charges for **all** residential class customers **and qualifying commercial customers** will be based on the individual customer's average monthly water use during the preceding winter months of December, January, and February. The volumes used to compute these charges are based on the amount of water used by the residential class customers as measured by a meter. When no preceding winter average is available from records, the utility billing clerk shall estimate a volume to be used for this monthly volume charge based on the city's average monthly winter residential water usage. Customers receiving water service from Somervell County Water District (SCWD) must provide the city with copies of their SCWD bills for the most recent December through February billing period within ten (10) days of receipt of their February bill. If a SCWD bill is not provided within said ten (10) days, the city shall assess a late reporting fee and shall continue to assess a late fee every month thereafter until the SCWD bill is provided.

(2) **Qualifying commercial customers.** Commercial customers with automatic sprinkler systems connected to the water meter which serves the customer's facilities may submit an application to be considered for participation in the City's winter averaging process for calculating sewer bills. To qualify to participate in winter averaging, the customer must have an automatic sprinkler system and must demonstrate to the satisfaction of the City Administrator that the customer's usage of the City's wastewater collection and treatment system is consistent throughout the year and that the amount of sewer usage calculated by the winter averaging method would accurately reflect the customer's use of the City's wastewater collection and treatment system. The City Administrator may revoke a commercial customer's qualifying status if the City Administrator becomes convinced that the amount of sewer usage calculated by the winter averaging method does not accurately reflect the customer's use of the City's wastewater collection and treatment system. Determinations made by the City Administrator may be appealed to the City Council.

SECTION 3
SAVINGS/REPEALING CLAUSE

Chapter 13 and of the City's Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4
SEVERABILITY CLAUSE

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal 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. Glen Rose 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, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 5
PROPER NOTICE, MEETING, AND QUORUM CLAUSE**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted by majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to Section 22.039 of the Texas Local Government Code.

**SECTION 6
EFFECTIVE DATE**

This Ordinance shall take effect immediately upon passage.

PASSED AND APPROVED this the 23rd day of August, 2022.

Julia Douglas, Mayor

ATTEST:

Staci L. King, City Secretary