

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, ESTABLISHING RATES AND CHARGES FOR WATER AND SEWER SERVICES; PROVIDING A PENALTY CLAUSE OF UP TO \$2000.00 FOR A VIOLATION OF THIS ORDINANCE; PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City of Iowa Colony, Texas (“City”), is a home rule municipality operating pursuant to its Charter and the laws of the State of Texas; and

WHEREAS, pursuant to Texas Local Government code, Section 552.001(b), a municipality is permitted to operate and regulate a utility system “in a manner that protects the interests of the municipality”; and

WHEREAS, pursuant to the City Charter Article 2, Section 2.01, the City may construct, own, lease, operate and regulate public utilities; and

WHEREAS, the City of Iowa Colony is undergoing the takeover of utility operations for water and sewer services, and engaged Performance Services to prepare a Utility Rate Study focused on determining the appropriate rates and fee schedules needed for optimal operational reliability and financial integrity; and

WHEREAS, the City Council of the City of Iowa Colony, Texas, to maintain the integrity of water and sewer services in the corporate limits of the City of Iowa Colony, Texas, has determined that in order to properly bill water and sewer services to the customers, it is necessary to establish rates and charges according to the City Water and Sewer fee schedule as attached hereto;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

SECTION 1. Definitions. For the purposes of this Ordinance, the following words shall have the meanings ascribed thereto:

- (a) Single-Family Residential User shall mean a residential dwelling unit receiving service for which metering and billing is on an individual basis.
- (b) Non-Single-Family User shall mean all non-residential units and/or any user other than a Single-Family Residential User including, but not limited to, apartments, multi-family dwelling units, and commercial establishments.

SECTION 2. Customer Charge. Each water and sewer customer of the city shall have a monthly customer charge according to the volume of water used and in accordance with the fee schedule as attached hereto.

Irrigation Systems. Metered water connections established solely for the purpose of providing water to irrigation systems shall have a monthly customer charge according to the volume of water used and in accordance with the fee schedule as attached hereto. There shall be no sewer service charge for irrigation meters.

SECTION 3. Delinquency. An active account becomes delinquent when full payment is not received by the due date printed on the bill. Delinquent accounts are subject to termination of service pursuant to this article. Within (5) working days following the due date a delinquency, notice shall be mailed out to customer giving notice after the expiration of seven (7) days, that service may be discontinued unless the customer can show good cause and arrange for prompt payment. The city shall be authorized to withdraw a disconnection notice. Residential customers who are age 60 and over or considered disabled by Social Security should contact the city operator for options available.

SECTION 4. Pressure of Water. The city intends to use all reasonable efforts to supply adequate pressure of water to customers. The city does not guarantee any customer a specific quantity or pressure of water for any purpose whatsoever. The city is required only to furnish a connection to its water system and in no case shall the city be liable for the failure or refusal to furnish water or any amount or pressure of water; however, the city shall use reasonable efforts to supply water to all customers at an acceptable minimum pressure.

SECTION 5. Sewer Service Lines and Sewer Connections. The following regulations are to govern the installation of all sanitary service lines and sewer connections within the city.

- (a) Service lines:
 - (1) "Service line" means the sewer from the foundation of the house or commercial building to the sewer line owned by the city.
 - (2) Only one service line connection to the city's sanitary sewage collection system is permitted for each residence or commercial building.
- (b) Connection permit:
 - (1) An application for sanitary sewer service must be filed and a city permit issued prior to beginning construction or installation of a service line and prior to connecting to a city-owned sewage line. The connection fee must accompany the application. Application forms are available from the city.
 - (2) When the service line is complete, and prior to backfilling the pipe trench, the applicant for sewer service will request an inspection of the installation. Should reinspection be required the charge will be according to the fee schedule as attached hereto.
 - (3) A connection permit will be granted after inspection confirms that all requirements of these rules and regulations have been met.
- (c) Grease and lint traps: Grease traps are required for dining establishments where food is prepared and served to customers on premises.
- (d) Excluded flow and waste:

- (1) Only biologically degradable wastes which may be considered as ordinary domestic sewage may be discharged into the city's sewage facilities. Any waste that is determined to be hazardous or toxic under this article must not be discharged into the city's sanitary sewage system. Any person, corporation or entity discharging such prohibited waste is subject to prosecution and termination of service until the city is satisfied that proper measures have been taken to ensure no further violations.
- (2) Industrial discharge will require a permit from the city.
- (3) It is unlawful for a person to discharge mud, sand or debris during service line installation.
- (4) Downspouts, swimming pool drains, yard drains, street drains or gutter drains must not be connected to the city's sanitary sewer facilities.

SECTION 6. Sale or Use of Water or Sewer Services:

- (a) No person or entity except the city shall sell or resale water from the city's water system.
- (b) No person or entity except the city shall sell or resale city sewer services.
- (c) No person or entity except the city shall receive or use water from the city's water system without having a direct connection to the city's water system.
- (d) No person or entity except the city shall receive or use city sewer services without having a direct connection to the city's sewer system.
- (e) It is an affirmative defense to this subsection that the person or entity has the express, written, unrevoked consent of the city council or its designee for such sale, resale, receipt, or use.

SECTION 7. Backflow Prevention. Any irrigation system that is connected to the potable water supply must be connected through a backflow prevention method approved by the Texas Commission on Environmental Quality (TCEQ). The backflow prevention device must be installed in accordance with the laboratory approval standards or if the approval does not include specific installation information, the manufacturer's current published recommendations.

SECTION 8. The attached City Water and Sewer fee schedule is hereby adopted and ordained, and the rates and charges therein stated are hereby established and required to be paid. Any reference in any other ordinance, policy, or other source to a fee schedule or fee ordinance of the City shall refer to this ordinance and the schedule hereby adopted.

SECTION 9. This ordinance supersedes any prior fee schedules of the City of Iowa Colony, Texas. However, this ordinance shall not impair, supersede, or excuse any other or different fees not listed in the attached fee schedule.

SECTION 10. Said rates and charges adopted by this ordinance may be amended from time to time by City Council by resolution.

SECTION 11. Penalties, liabilities, and other remedies for failing to comply with any provision of this ordinance shall be up to \$2,000.00. Each day violation shall constitute a separate offense.

SECTION 12. If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this ordinance shall remain in full force and effect.

SECTION 13. This ordinance shall be effective immediately upon its passage and approval.

SECTION 14. That it is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

PASSED AND APPROVED ON THE FIRST READING ON THE 8TH DAY OF APRIL 2024.

PASSED AND APPROVED ON THE SECOND READING ON THE _____ DAY OF _____ 2024.

CITY OF IOWA COLONY, TEXAS

By: _____
WIL KENNEDY, MAYOR

ATTEST:

KAYLEEN ROSSER, CITY SECRETARY