

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING CHAPTER 130, ARTICLE IV, SECTION 130-167, CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS RELATING TO WATER RATES REMOVING THE OFF PEAK AND PEAK SEASON MONTHLY CHARGE DISTINCTIONS; ADJUSTING VOLUME CHARGES; MODIFYING SERVICE RATE CLASSIFICATIONS; ADJUSTING WATER RATES AND CHARGES FOR FISCAL YEAR 2024; PROVIDING FOR ADJUSTMENTS OF WATER RATES AND CHARGES FOR FISCAL YEAR 2025; RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of New Braunfels, Texas (the “City”), owns and operates by and through New Braunfels Utilities its own water system in accordance with the laws of the State of Texas and the charter of said City; and

WHEREAS, the Council of the City of New Braunfels has heretofore established an ordinance providing for assessment and collection of water rates and said ordinance has been codified as Chapter 130, Article IV, Code of Ordinances of the City; and

WHEREAS, Section 130-167 of the Code of Ordinances of the City requires an update when rates are changed; and

WHEREAS, the New Braunfels Utilities Board of Trustees recommended new water rates and charges for fiscal year 2024 and fiscal year 2025 at a meeting held on March 30, 2023; and

WHEREAS, in order to change the water rates, it is now necessary and advisable that Section 130-167, Article IV, Code of Ordinances, as heretofore established by ordinance, be amended; and

WHEREAS, the City Council of the City retains the power to consider an additional adjustment of NBU’s rates at any time.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1.

THAT, the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2.

THAT, Section 130-167, Chapter 130, Article IV, New Braunfels Code of Ordinances relating to water rates, as heretofore established by ordinance, be and hereby is amended to, among other things, (i) remove the off peak and peak season monthly charge distinctions; (ii) adjust volume charges; (iii) modify service rate classifications; (iv) adjust water rates and charges beginning August 1, 2023; and (v) adjust water rates and charges in effect on July 31, 2024, beginning August 1, 2024, excluding those covered by contract, with no further action by the City Council of New Braunfels, Texas or by New Braunfels Utilities.

SECTION 3.

THAT, Section 130-167, Chapter 130, Article IV, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and hereby is amended in the following section with deleted language signified by strikethrough font and new language signified by underlined font as set forth in attached Exhibit A.

SECTION 4.

THAT, this ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to water rates, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 5.

THAT, if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6.

THAT, this ordinance shall be effective on August 1, 2023.

SECTION 7.

PASSED AND APPROVED: First Reading this 3rd day of April, 2023.

PASSED AND APPROVED: Second Reading this 10th day of April, 2023.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA ACEVEDO, City Attorney

EXHIBIT A