

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," TO THE TOWN'S CODE OF ORDINANCES BY REPEALING EXISTING SECTION IX, "WATER AND SEWER RATES," AND REPLACING IT WITH A NEW SECTION IX, "WATER AND SEWER RATES"; AND REPEALING EXISTING SECTION XI, "RATES FOR COLLECTION OF SOLID WASTE AND RECYCLABLES," AND REPLACING IT WITH A NEW SECTION XI, "RATES FOR COLLECTION OF SOLID WASTE AND RECYCLABLES"; AND ADDING A NEW SECTION XXII, "EMERGENCY MEDICAL SERVICES (EMS) RATES"; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

**WHEREAS**, the Town Council of the Town of Prosper, Texas ("Town Council"), has investigated and determined that the various fees imposed by the Town should be revised; and

**WHEREAS**, the Town Council has reviewed the current and proposed fees and recommends the adoption of revised fees in the Code of Ordinances as well as in Appendix A to the Code of Ordinances; and

**WHEREAS**, the Town Council hereby finds and determines that it will be advantageous, beneficial and in the best interests of the citizens of the Town to revise certain existing fees imposed by the Town and replace them with fees that reflect actual and reasonable costs, as hereinafter referenced.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:**

#### **SECTION 1**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

#### **SECTION 2**

From and after the effective date of this Ordinance, existing Section IX, "Water and Sewer Rates," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances is hereby repealed in its entirety and replaced with a new Section IX, "Water and Sewer Rates," to read as follows:

#### **"Sec. IX      Water and Sewer Rates**

Please refer to chapter 13 utilities, article 13.07 utility bills, for additional information on the town's utility billing policies.

- (1) Late fees.

(A) All utility bill payments are due by the 10th day from the date of the bill except when the tenth day falls on Saturday, Sunday or legal holiday under which condition they are due by 5:00 p.m. central time on the next working day.

(B) All payments made after the tenth (10th) day will bear a late fee, as set forth as follows, of the unpaid balance of the billed amount.

(2) Water and/or sewer connections. The town may extend water and sanitary sewer mains in the streets, alleys and utility easements in the town in order to permit connections for those persons desiring water and sewer service. The individual, corporation or partnership requesting the service shall pay the town an amount equal to the cost of all materials, labor, equipment and other costs to provide the requested extension. At any time additional connections are made to the water and/or sewer mains, the town may collect from the individual connecting to the main(s) an amount equal to the proportional amount of footage of the connector's land abutting the sewer and/or water and repay the same to the original requestor(s) of service or designated recipients.

(3) Residential service rates.

(A) Residential water service rates:

<b>Meter Size</b>	<b>Minimum Service Charge (Effective October 1, 2020)</b>
3/4" or smaller	\$12.75
1"	\$21.25
1-1/2"	\$42.50
2"	\$67.95
3"	\$127.35
4"	\$212.25
6"	\$424.35
<b>Volumetric Charge</b>	<b>Rate per 1,000 Gallons (Effective October 1, 2020)</b>
0–10,000 gallons	\$4.28
10,001–40,000 gallons	\$6.41
40,001–80,000 gallons	\$9.63
80,001+ gallons	\$14.44

(B) Residential wastewater service rates:

- (i) All residential accounts, effective October 1, 2020, minimum service charge: \$28.40.
- (ii) Volumetric charge: effective October 1, 2020, \$4.90 per 1,000 gallons.
- (iii) Wastewater volumetric charges on residential accounts are billed on the winter average consumption during the months of December, January and February.

(C) Additional residential service charges:

- (i) Service initiation: \$65.00.
- (ii) Transfer fees: \$20.00.
- (iii) Meter accuracy rereads: \$15.00.
- (iv) Late fees: \$10% of billed amount.
- (v) Turn offs/reconnects:
  - a. During normal office hours: \$50.00.
  - b. After normal office hours: \$75.00.

(D) Multifamily dwellings, townhomes and other multitenant accounts served by one master meter will be billed a minimum water charge per unit equal to the 3/4" residential base rate and the minimum service charge for wastewater. The residential volumetric charges will apply as normally scheduled on all master meter consumption for both water and wastewater services, except that winter averaging will not be applied to multifamily dwellings served by one master meter.

(E) Out-of-town water service rates:

<b>Meter Size</b>	<b>Minimum Service Charge (Effective October 1, 2020)</b>
3/4" or smaller	\$19.13
1"	\$31.88
1-1/2"	\$63.75

2"	\$101.93
3"	\$191.03
4"	\$318.38
6"	\$636.53
<b>Volumetric Charge</b>	<b>Rate per 1,000 Gallons (Effective October 1, 2020)</b>
0–10,000 gallons	\$6.42
10,001–40,000 gallons	\$9.62
40,001–80,000 gallons	\$14.45
80,001+ gallons	\$21.66

(F) Out-of-town residential wastewater service rates:

- (i) All residential accounts, effective October 1, 2020, minimum service charge: \$42.60.
- (ii) Volumetric charge: effective October 1, 2020, \$7.35 per 1,000 gallons.
- (iii) Wastewater volumetric charges on residential accounts are billed on the winter average consumption during the months of December, January and February.

(G) Senior citizen water credit and storm drainage credit: Refer to chapter 13 utilities, section 13.07.008, senior affordability discount and penalty exemption.

(4) Commercial and temporary hydrant meter service rates.

(A) Commercial water service rates.

<b>Meter Size</b>	<b>Minimum Service Charge (Effective October 1, 2020)</b>
¾" or smaller	\$12.75
1"	\$21.25
1-1/2"	\$42.50
2"	\$67.95

3"	\$127.35
4"	\$212.25
6"	\$424.35
<b>Volumetric Charge</b>	<b>Rate per 1,000 Gallons (Effective October 1, 2020)</b>
0–10,000 gallons	\$4.61
10,001–40,000 gallons	\$5.77
40,001–80,000 gallons	\$7.20
80,001+	\$9.01

(B) Commercial wastewater service rates:

- (i) All commercial accounts: effective October 1, 2020, minimum service \$32.60.
- (ii) Volumetric charge: effective October 1, 2020, \$5.92 per 1,000 gallons.

(C) Additional commercial service charges:

- (i) Service initiation: \$75.00.
- (ii) Transfer fees: \$20.00.
- (iii) Meter accuracy rereads: \$15.00.
- (iv) Late fees: \$10% of billed amount.
- (v) Turn offs/reconnects:
  - a. During normal office hours: \$50.00.
  - b. After normal office hours: \$75.00.

(D) Out-of-town commercial water service rates:

<b>Meter Size</b>	<b>Minimum Service Charge (Effective October 1, 2020)</b>

¾" or smaller	\$19.13
1"	\$31.88
1-1/2"	\$63.75
2"	\$101.93
3"	\$191.03
4"	\$318.38
6"	\$636.55
<b>Volumetric Charge</b>	<b>Rate per 1,000 Gallons (Effective October 1, 2020)</b>
0–10,000 gallons	\$6.92
10,001–40,000 gallons	\$8.66
40,001–80,000 gallons	\$10.80
80,001+	\$13.52

(E) Out-of-town commercial wastewater service rates:

(i) All commercial accounts: effective October 1, 2020, minimum service \$48.90.

(ii) Volumetric charge: effective October 1, 2020, \$8.88 per 1,000 gallons.

(5) Irrigation service rates.

(A) Irrigation water service rates:

<b>Meter Size</b>	<b>Minimum Service Charge (Effective October 1, 2020)</b>
¾" or smaller	\$4.70
1"	\$7.75
1-1/2"	\$15.45
2"	\$24.65
3"	\$46.20

4"	\$76.95
6"	\$153.90

<b>Volumetric Charge</b>	<b>Rate per 1,000 Gallons (Effective October 1, 2020)</b>
0–10,000 gallons	\$6.46
10,001–40,000 gallons	\$7.42
40,001–80,000 gallons	\$8.53
80,001+	\$9.81

(B) Irrigation wastewater service rates: Irrigation accounts are not billed for wastewater services. Irrigation accounts are strictly for meters and water service dedicated solely to furnish water service to lawn sprinkler or irrigation systems, and do not directly receive wastewater services.

(C) Additional irrigation service charges:

- (i) Service initiation: \$75.00 commercial/\$65.00 residential.
- (ii) Transfer fees: \$20.00.
- (iii) Meter accuracy rereads: \$15.00.
- (iv) Late fees: 10% of billed amount.
- (v) Turn offs/reconnects:
  - a. During normal office hours: \$50.00.
  - b. After normal office hours: \$75.00.

(D) Out-of-town irrigation water service rates:

<b>Meter Size</b>	<b>Minimum Service Charge (Effective October 1, 2020)</b>
3/4" or smaller	\$7.05
1"	\$11.63

1-1/2"	\$23.18
2"	\$36.98
3"	\$69.30
4"	\$115.43
6"	\$230.85

<b>Volumetric Charge</b>	<b>Rate per 1,000 Gallons (Effective October 1, 2020)</b>
0–10,000 gallons	\$9.69
10,001–40,000 gallons	\$11.13
40,001–80,000 gallons	\$12.80
80,001+	\$14.72

(6) Wastewater Inflow Prevention Plan and Enforcement Fees

(A) Administrative Fees.

- (1) Non-plugged wastewater lines and manholes under construction receiving inflow:

First offense	\$ 500 per connection per day
Second offense	\$ 750 per connection per day
Third offense and subsequent	\$1,000 per connection per day

- (2) Wastewater services plumbing open:

First offense	\$ 250 per connection per day
Second offense	\$ 400 per connection per day
Third offense and subsequent	\$ 500 per connection per day

- (3) Wastewater services open/broken:

First offense	\$ 100 per connection per day
Second offense and subsequent	\$ 200 per connection per day

- (B) Offenses will be reset January of even numbered years.

- (C) Contesting Violations. A customer may request a hearing before a hearing officer(s) appointed by the Executive Director of Development and Infrastructure Services within fifteen (15) business days after the date on the Notice. The



decision by the Executive Director of Development and Infrastructure Services is final and binding.

(D) Unpaid assessed administrative fees related to violations of wastewater under the Town Plan shall incur late payment penalties and may result in termination of work.”

### **SECTION 3**

From and after the effective date of this Ordinance, existing Section XI, “Rates for Collection of Solid Waste and Recyclables,” of Appendix A, “Fee Schedule,” to the Town’s Code of Ordinances is hereby repealed in its entirety and replaced with a new Section XI, “Rates for Collection of Solid Waste and Recyclables,” to read as follows:

#### **“Sec. XI Rates for Collection of Solid Waste and Recyclables**

Solid waste collection rates are based on contractual obligations entered between the Town and the Town’s solid waste provider, and are available on the Town’s website.”

### **SECTION 4**

From and after the effective date of this Ordinance, a new Section XXII, “Emergency Medical Services (EMS) Rates,” is hereby added to Appendix A, “Fee Schedule,” of the Town’s Code of Ordinances, to read as follows:

#### **“Sec. XXII Emergency Medical Services (EMS) Rates**

Definitions:

Advanced Life Support (ALS)

Basic Life Support (BLS)

Advanced Life Support 2 (ALS-2)

Advanced Life Support Disposable Items (ALSDI)

Basic Life Support Disposable Items (BSLDI)

(1) ALS	\$1,350.00
(2) BLS	\$1,050.00
(3) ALS-2	\$1,450.00
(4) ALSDI	\$ 400.00
(5) BLSDI	\$ 250.00
(6) MILE (per each)	\$ 24.00
(7) OXYGEN	\$ 130.00”

### **SECTION 5**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

#### **SECTION 6**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town 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.

#### **SECTION 7**

This Ordinance shall become effective on October 1, 2020, and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Prosper, Texas.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 8TH DAY OF SEPTEMBER, 2020.**

**APPROVED:**

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**Ray Smith, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Melissa Lee, Town Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Terrence S. Welch, Town Attorney**