

**ORDINANCE NO. - 01052023**

**AN ORDINANCE OF THE CITY OF CELESTE, TEXAS PRESCRIBING THE RATES TO BE CHARGED FOR SERVICES FURNISHED BY THE WATER AND SEWER SYSTEM OWNED AND OPERATED BY THE CITY; IMPOSING PENALTY FOR LATE PAYMENTS, SHUT-OFFS AND METER TAMPERING; IMPOSING ADMINISTRATIVE FEE, WATER AND SEWER TAP FEES AND FEES FOR RECONNECTION AND REQUESTED METER REREADS; SPECIFYING DEPOSITS REQUIRED; REPEALING ALL ORDINANCES, ORDERS OR RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.**

WHEREAS, the City of Celeste, Texas operates a waste water treatment and collection system and water production, storage and distribution system as a service to residents, property owners and other users of these systems; and

WHEREAS, certain regulations governing the use of the water and sewer systems operated by the City of Celeste, Texas are necessary to insure its orderly and efficient operations and to protect the health and welfare of its citizens; and

WHEREAS, the City Council of the City of Celeste, Texas has determined that certain rates, fees and charges for water and sewer and garbage services provided by the City to its residents must be adequate to provide for the cost and expense of the City's water and sewer system and for operation and maintenance expenses of the water and sewer system and for the upgrading of such system; and

WHEREAS, it is the desire of the City Council to set forth water and sewer rates which are sufficient to provide for payment of all costs and expenses relating to the City's water and sewer system and the operation and maintenance expenses of the water and sewer system, and to provide funds for upgrading the system; and

WHEREAS, this ordinance will go into effect from and after the first billing cycle in January 2023.

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

**SECTION 1 – RECITALS**

The above recitals are true and correct.

**SECTION 2 – SCOPE OF PROVISIONS /CONFLICTS WITH OTHER ORDINANCES**

This Ordinance shall contain the terms and conditions for all charges related to water, sewer, garbage, permits, taps, inspection and services provided by the City of Celeste and shall supersede all other ordinances previously adopted regarding the items set forth in this Ordinance.

Any and all Ordinances or portions thereof, in conflict with the provisions of this Ordinance are hereby repealed and superseded to the extent of such conflict.

### **SECTION 3 – WATER, SEWER AND GARBAGE RATES.**

From and after the first utility billing in January 2023, the water rates for each monthly period charged by the City shall be as follows:

(a) **INSIDE CITY LIMITS WATER RATES**

**Minimum Charge**

Each customer shall pay a minimum monthly charge for the first 1,000 gallons used. The minimum monthly charges shall be based on the meter size and shall be billed at the following rates:

- (1) 5/8 inch meter minimum charge for usage up to 1,000 gallons is \$30.00
- (2) 1 inch meter minimum charge for usage up to 1,000 gallons is \$42.00
- (3) 1 ½ inch meter minimum charge for usage up to 1,000 gallons is \$90.00
- (4) 2 inch meter minimum charge for usage up to 4,000 gallons is \$175.00
- (5) 4 inch meter minimum charge for usage up to 10,000 gallons is \$480.00

**Usage Charge**

For each additional usage, after the first 1,000 gallon minimum charge, each customer shall pay a usage charge. The usage charge for each meter size 5/8 inch, 1 inch, 1 ½ inch, 2 inch, and 4 inch shall be billed at the following rates:

- (1) Usage charge for each additional 1,001-4,000 gallons used is \$3.50
- (2) Usage charge for each additional 4,001-15,000 gallons used is \$5.00
- (3) Usage charge for each additional 15,001-50,000 gallons used is \$6.00

(b) **OUTSIDE CITY LIMITS WATER RATES**

**Minimum Charge**

Each customer shall pay a minimum monthly charge for the first 1,000 gallons used. The minimum monthly charges shall be based on the meter size and shall be billed at the following rates:

- (1) 5/8 inch meter minimum charge for usage up to 1,000 gallons is \$32.00
- (2) 1 inch meter minimum charge for usage up to 1,000 gallons is \$44.00
- (3) 1 ½ inch meter minimum charge for usage up to 1,000 gallons is \$92.00
- (4) 2 inch meter minimum charge for usage up to 4,000 gallons is \$177.00
- (5) 4 inch meter minimum charge for usage up to 10,000 gallons is \$482.00

**Usage Charge**

For each additional usage, after the first 1,000 gallon minimum charge, each customer shall pay a usage charge. The usage charge for each meter size 5/8 inch, 1 inch, 1 ½ inch, 2 inch, and 4 inch shall be billed at the following rates:

- (1) Usage charge for each additional 1,001-4,000 gallons used is \$3.50
- (2) Usage charge for each additional 4,001-15,000 gallons used is \$5.00
- (3) Usage charge for each additional 15,001-50,000 gallons used is \$6.00

(c) CITY SEWER RATES

Each customer shall pay a minimum charge of \$15.00 for the first 1,000 gallons used, plus \$3.00 for each additional 1,001-10,000 gallons, \$4.00 for each additional 10,001-20,000 and \$5.00 for each additional 20,001 or more used as a sewer charge.

(d) BULK WATER SALES

Customers purchasing bulk water shall pay \$35.00 for the first 1,000 gallons, plus \$15.00 for each additional 1,000 gallons purchased.

(e) GARBAGE RATES

This rate includes one Poly Cart per house furnished to the customer. If a Poly Cart goes missing, the customer must pay a fee of \$70.00 to the City to replace such Poly Cart.

- (1) Residential customers shall pay \$19.84 plus tax of \$1.59 for a total of \$21.43 per month for garbage service. All water customers shall be billed for and receive garbage service.
- (2) Business customers shall pay \$28.35 plus tax of \$2.27 for a total of \$30.62 per month for garbage service. All water customers shall be billed for and receive garbage service.

(f) WATER AND SEWER TAP FEES

- (1) Customers shall pay a water tap fee of \$2,500.00 for 5/8  
\$3,000.00 for 1”  
\$3,200.00 for 1 ½”  
\$4,800.00 for 2”  
\$5,500.00 for 4”

There is an extra charge of what it will cost us to hire it out if we have to bore the road.

(2) Customers shall pay a sewer tap fee of \$3,000.00. There is an extra charge of what it will cost us to hire it out if we have to bore the road.

(g) CUSTOMER DEPOSITS

(1) Customers who own the property to which water and sewer service is being provided shall be required to pay a deposit of \$100.00 and pay a \$25.00 administrative fee (\$125.00 total) prior to receiving service

(2) Customers who are renting the property to which water and sewer service is being provided shall be required to pay a deposit of \$225.00 and pay a \$25.00 administrative fee (\$250.00 total) prior to receiving service

**SECTION 4 – FEES, PENALTIES, CHARGES AND ADJUSTMENTS**

(a) LATE FEES, DISCONNECTION AND RECONNECTION

**Late Fees**

All bills are due on or before the 10<sup>th</sup> day of the month. After the 10<sup>th</sup> day of the month, a 10% past due charge or a minimum late fee of \$10.00, whichever is larger, is due.

**Reconnect Fees**

Non-payment of utility bills after the 25<sup>th</sup> day of the month will require service to be disconnected. Service will be reconnected only after all amounts owed, including any penalties or late fees, plus the following reconnect fees have been paid:

(1) During regular business hours the fee is \$65.00

(2) During non-business hours the fee is \$115.00

(c) ADMINISTRATIVE FEE

Each customer who starts a new account shall be charged a \$25.00 administrative fee. This fee shall apply to each new account.

(d) REQUESTED METER RE-READS

Each customer who requests that their water meter be re-read shall be charged a fee of \$30.00 if the original reading was correct.

(e) ADJUSTMENTS FOR WATER LEAKS

This provision applies only to sewer charges and not water charges. If a water leak occurs on the customer side of the meter, an adjustment can be made in order to minimize the financial impact on customers. The adjustment will be based on the previous six months of sewer

usage, averaged. Only one adjustment per customer per calendar year will be allowed. To request an adjustment, a customer must fill out a leak adjustment request form along with the bill for fixing it and submit it to the City.

(f) **FEE FOR UNAUTHORIZED ACTIONS AND METER TAMPERING**

If a meter serving a customer has been tampered with or if the City's facilities or equipment have been damaged by tampering, by-passing, installing unauthorized taps, reconnecting service without authority, or other service diversion, the City may charge a fee of \$300.00, for endangering public health and safety (Texas Health and Safety Code 341.033-b), and the meter may be removed. If the meter is removed, before the meter will be reinstalled, the customer will be required to pay any and all unpaid bills, including all late charges, all applicable reconnect fees and the tampering fee. Additionally, a fee shall be charged that is equal to the actual costs for all labor, material, and equipment necessary for repair or replacement of the City's facilities and this fee shall be paid before service is reestablished. NOTE: Payment of these fees will not preclude the City from requesting appropriate criminal prosecution.

**SECTION 5 – WATER CUTOFF AND CHECK VALVE (BACKFLOW-PREVENTION ASSEMBLIES)**

A water cutoff and check valve (backflow-prevention assembly) shall be required on all new construction and any existing property if the plumbing lines have been altered, relocated or changed in anyway, excluding ordinary repairs. The water cutoff and check valve (backflow-prevention assembly) shall be required on the waterline between the meter and the residence, apartment building, commercial building, or such other building receiving water from the City of Celeste, Texas.

**SECTION 6 – SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase or word or any part of any section or paragraph of this Ordinance, or in the application thereof to any person or circumstance, is declared invalid or unconstitutional for any reason by a court of competent jurisdiction, such holding shall not be held to invalidate or impair the validity, force, or effect of any other section or sections or part of a section or paragraph of this Ordinance and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect and to this end the portions of this Ordinance are hereby declared to be severable.

**SECTION 7 - PENALTY**

(a) It shall be unlawful for any person, firm or corporation to do or perform any act prohibited by this Ordinance. It shall be unlawful for any such person, firm or corporation to fail to do any act required by this Ordinance.

(b) Any person, firm or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed the maximum as prescribed by law. Each day of violation may be considered a separate offense under the provisions of this ordinance. Each transaction in violation of any of the provisions hereof shall be deemed a separate offense. Prosecution or conviction under this provision shall not be a bar to any other remedy of relief for violations of this Ordinance.

**SECTION 8 – PERMITS, INSPECTIONS & FEES**

<b>Residential Building Permits</b>	<b>\$ 75.00 per inspection (we must have a copy of the blue prints. There are at least 16 inspections on new buildings. All plumbing &amp; electrical must be done by certified &amp; insured companies.</b>
<b>Commercial Building Permits</b>	<b>\$100.00 per inspection (we must have a copy of the blue prints. There are at least 16 inspections on new buildings. All plumbing &amp; electrical must be done by certified &amp; insured companies.</b>
<b>Electrical Inspection</b>	<b>\$ 75.00</b>
<b>Return Check Fees</b>	<b>\$ 35.00</b>
<b>Copies</b>	<b>\$ .50</b>
<b>Faxes (per page)</b>	<b>\$ 1.00 (local) \$2.00 (long Distance)</b>
<b>Notary</b>	<b>\$5.00 page</b>

**SECTION 9 – EFFECTIVE DATE**

This Ordinance shall take effect on the first billing cycle of January 2023 from and after its passage and the publication of this caption, as the law provides.

**PASSED AND APPROVED** this 10 day of January, 2023.

Shaunna Cole  
Shaunna Cole, Mayor  
City of Celeste, Texas

ATTEST:

Cherie Hubbard  
Cherie Hubbard, City Secretary  
City of Celeste, Texas