

ORDINANCE NO. 1006B

AN ORDINANCE OF THE CITY OF ROBSTOWN, TEXAS, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF ROBSTOWN, TEXAS BE AMENDED BY REVISING SECTION 28-95 OF THE CODE AND ORDINANCE NO. 1006, PROVIDING FOR FIXING AND PRESCRIBING THE RATES TO BE CHARGED FOR SEWER AND SEWER DISPOSAL SERVICE PROVIDED BY THE CITY OF ROBSTOWN UTILITY SYSTEMS: PROVIDING A SEVERABILITY CLAUSE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH:

WHEREAS, the current rates for sewer service are not sufficient to provide adequate revenues to meet the administrative, operations and maintenance expenses, the retirement of bonded indebtedness, and the enhancements to the sewer system, and

WHEREAS, the current rates for sewer service are not sufficient to allow the City of Robstown Utility Systems to comply with various bond covenants,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ROBSTOWN, TEXAS:

SECTION 28-95. SERVICE RATES

(A) SERVICE RATE CLASSIFICATIONS

All sewer service provided by the City of Robstown Utility Systems shall be designated by the following rate schedules with descriptions, rates and conditions of service as indicated.

1. Residential Sewer Service
2. General Service Sewer Service
3. Large General Service Sewer Service
4. Robstown Independent School District

Subject to the provisions of Section 28-97, each person owning, residing in, renting, leasing, operating, or otherwise using property within the sewer service area of the City of Robstown, Texas whose drain pipes, soil pipes, or other sewage discharge pipes connect with and discharge into the Sewer System of the City of Robstown Utility Systems, and who receive sewer service and sewer disposal service from and through the same shall be liable to the City of Robstown Utility Systems for a monthly sewer service charge as specified herein.

(B) EFFECTIVE DATE

The rates and charges prescribed herein shall become effective on and after the first day of the first billing month after the passage of this ordinance and after publication in one issue of a newspaper of general circulation in the City of Robstown.

(C) RESIDENTIAL SERVICE RATE SCHEDULE

1. Availability

This rate is available in the sewer service area of the City of Robstown, Texas under standards, terms and policies prescribed by the City of Robstown Utility Systems.

2. Applicability

This rate is applicable to sewer service used solely for residential purposes for service to single family or multifamily dwellings. The monthly charges shall be billed for each family unit within multifamily dwellings.

This rate shall not be applicable to service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, hotels, motels, dormitories, barber shops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, or any other commercial and/or non-residential activity.

3. Monthly Charges

a. Monthly Service Charge

The monthly charge for sewer service shall be the monthly customer charge plus the fixture charge plus all billing adjustments as follows:

Monthly Customer Charge: \$13.55 per month, which includes up to three (3) fixtures.

Fixture Charge: for each fixture in excess of three (3) fixtures

2009 -- \$4.23
2010 -- \$5.18
2011 -- \$5.58
2012 -- \$5.97
2013 -- \$5.97

b. Minimum Bill

The minimum monthly bill shall be the customer charge plus the fixture charge.

c. Billing Adjustments

(1) In addition to the monthly service charges, each customer shall be charged for and pay all other taxes, road use fees, franchise fees, and any other governmental assessments applicable to the provision of sewer service.

(2) The bills rendered under this schedule are gross, and shall be decreased by five (5) percent if payment is made within fifteen (15) days after the billing statement is rendered.

(D) GENERAL SERVICE RATE SCHEDULE

1. Availability

This rate is available in the sewer service area of the City of Robstown, Texas under standards, terms and policies prescribed by the City of Robstown Utility Systems.

2. Applicability

This rate is applicable to sewer service used solely for residential purposes for service to single family or multifamily dwellings. The monthly charges shall be billed for each family unit within multifamily dwellings.

This rate shall not be applicable to service to a residence also used for commercial purposes, including, but not limited to, boardinghouses, hotels, motels, dormitories, barber shops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, or any other commercial and/or non-residential activity.

3. Monthly Charges

a. Monthly Service Charge

The monthly charge for sewer service shall be the monthly customer charge plus the fixture charge plus all billing adjustments as follows:

Monthly Customer Charge: \$20.04 per month, which includes up to three (3) fixtures.

Fixture Charge: for each fixture in excess of three (3) fixtures

2009 -- \$8.10
2010 -- \$9.05
2011 -- \$9.45
2012 -- \$9.84
2013 -- \$9.84

b. Minimum Bill

The minimum monthly bill shall be the customer charge plus the fixture charge.

c. Billing Adjustments

(1) In addition to the monthly service charges, each customer shall be charged for and pay all other taxes, road use fees, franchise fees, and any other governmental assessments applicable to the provision of sewer service.

(2) The bills rendered under this schedule are gross, and shall be decreased by five (5) percent if payment is made within fifteen (15) days after the billing statement is rendered.

(E) LARGE GENERAL SERVICE RATE SCHEDULE

1. Availability

This rate is available in the sewer service area of the City of Robstown, Texas under standards, terms and policies prescribed by the City of Robstown Utility Systems.

2. Applicability

This rate is applicable to any non-residential customer where:

- a. The customer processes, prepares, handles, or sells food, including restaurants, cafes, meat markets, meat lockers, school cafeterias, or other similar activities, or;
- b. The customer serves or sells alcoholic beverages for consumption on the premises, including lounges, taverns, bars, or other similar activities, or;
- c. The customer repairs, cleans, or services automobiles, trucks, farm equipment, or other similar machinery, including car washes, automotive repair shops, or other similar activities, or;
- d. The customer sells, stores, handles, or transports petroleum products or other chemicals, including gas stations, oil field service companies, or other similar activities, or;
- e. The customer manufactures or cleans apparel, carpets, or other fabrics including dry cleaners, laundromats or other similar activities.

3. Monthly Charges

a. Monthly Service Charge

The monthly charge for sewer service shall be the monthly customer charge plus the fixture charge plus all billing adjustments as follows:

Monthly Customer Charge: \$73.65 per month, which includes up to three (3) fixtures.

Fixture Charge: for each fixture in excess of three (3) fixtures

2009 -- \$6.15

2010 -- \$7.10

2011 -- \$7.50

2012 -- \$7.89

2013 -- \$7.89

b. Minimum Bill

The minimum monthly bill shall be the customer charge plus the fixture charge.

c. Billing Adjustments

(1) In addition to the monthly service charges, each customer shall be charged for and pay all other taxes, road use fees, franchise fees, and any other governmental assessments applicable to the provision of sewer service.

(2) The bills rendered under this schedule are gross, and shall be decreased by five (5) percent if payment is made within fifteen (15) days after the billing statement is rendered.

(F) SCHOOL DISTRICT SERVICE RATE SCHEDULE

1. Availability

This rate is available in the sewer service area of the City of Robstown, Texas under standards, terms and policies prescribed by the City of Robstown Utility Systems.

2. Applicability

This rate is applicable to the Robstown Independent School District for all sewer requirements.

3. Monthly Charges

a. Monthly Service Charge

The monthly charge for sewer service shall be the monthly customer charge plus the fixture charges plus all billing adjustments as follows:

Monthly Customer Charge: \$73.65 per month, which includes up to three (3) fixtures.

Fixture Charge: for each fixture in excess of three (3) fixtures

2009 -- \$2.50
2010 -- \$3.00
2011 -- \$3.25
2012 -- \$3.50
2013 -- \$3.50

b. Minimum Bill

The minimum monthly bill shall be the customer charge plus the fixture charge.

c. Billing Adjustments

(1) In addition to the monthly service charges, each customer shall be charged for and pay all other taxes, road use fees, franchise fees, and any other governmental assessments applicable to the provision of sewer service.

(2) The bills rendered under this schedule are gross, and shall be decreased by five (5) percent if payment is made within fifteen (15) days after the billing statement is rendered.

(G) SPECIAL RATE SCHEDULES

All other rate schedules for the use of the City of Robstown Utility System's sewer system shall be considered as special contracts, and each and every contract shall be presented to and approved by the City Council before the same becomes effective. Special discounts will not be allowed.

(H) PAYMENT DATES

Bills rendered for sewer service furnished by the City of Robstown Utility Systems shall be due and payable within twenty-six (26) days from the date of issuance as shown on the bill. Any bill not paid within twenty-six (26) days from the date of issuance becomes delinquent, and service may be discontinued until such bill is paid. If the due date falls on a holiday or weekend, the due date for payment purposes shall be the next work day after the due date.

In the event service is discontinued for nonpayment, a service charge of \$25.00 shall be paid by the customer to the City of Robstown Utility Systems for re-establishing service, and shall be paid before the service is re-established.

(I) VERIFICATION OF FIXTURES

Each customer shall, upon request from the City of Robstown Utility Systems, provide to the City of Robstown Utility Systems the number of fixtures within and at the customer's facility. The City of Robstown Utility Systems shall have the right to verify the number of fixtures provided by the customer at any time at the City of Robstown Utility Systems sole discretion.

(J) MISCELLANEOUS PROVISIONS

1. SEVERABILITY

If any provision of this article is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

2. CONFLICTS

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article are hereby repealed to the extent of the inconsistency or conflict.

3. EFFECTIVE DATE

This article shall be in full force and effect immediately following its passage and approval as provided by law.

That the foregoing ordinance was read for the **FIRST** time and passed to its Second reading on this the 8th day of September, 2008, with the following vote:

Rodrigo Ramon, Jr.	"Aye"	Anissa Zilka	"Aye"
Elias R. Vasquez	"Absent"	Arlene Rodriguez	"Aye"
Amanda Vasquez	"Aye"	Abel Tamez	"Absent"
Sybil Tipton	"Aye"		

That the foregoing ordinance was read for the **SECOND** time and passed **FINALLY** on the 13th day of October, 2008, by the following vote:

Rodrigo Ramon, Jr.	"Absent"	Anissa Zilka	"Absent"
Elias R. Vasquez	"Aye"	Arlene Rodriguez	"Aye"
Amanda Vasquez	"Aye"	Abel Tamez	"Absent"
Sybil Tipton	"Aye"		

PASSED AND APPROVED this 13th day of October, 2008.

Rodrigo Ramon, Jr.
Mayor of Robstown

ATTEST:

Paula Wakefield
City Secretary

LEAGL FORM APPROVED this 13th day of October, 2008.

BY: _____
Armando Gonzalez, City Attorney