

(Motion was made by \_\_\_\_\_, seconded by \_\_\_\_\_, and passed by a vote of \_\_\_\_\_ to \_\_\_\_\_, that the following ordinance be passed.)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, ESTABLISHING AND ADOPTING THE MONTHLY SERVICE RATES AND CHARGES FOR WATER AND SEWER SERVICE FOR CONSUMERS INSIDE AND OUTSIDE THE CITY PURSUANT TO CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY; ESTABLISHING AN AMENDED SCHEDULE OF FEES FOR INSPECTIONS, TAP FEES, DEPOSITS, RETURNED CHECKS, AND OTHER CHARGES REQUIRED BY CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**WHEREAS**, Chapter 90 of the Code of Ordinances of the City of Montgomery, Texas authorizes City Council, by ordinance, to establish monthly service rates and charges for water and sewer services inside and outside the City and to establish fees for inspections, tap fees, deposits, returned checks, and other charges related to providing utilities; and

**WHEREAS**, the City Council, after considering a water and sewer rate study and model prepared by the City Engineer, and receiving advice and input from the City Engineer, has determined appropriate rates and fee schedule for certain utility services, based on historical data and other factors related to the costs of providing such services; and

**WHEREAS**, the City Secretary caused to be posted a notice of public hearing; and

**WHEREAS**, the City Council, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the proposed water and sewer rates and fee schedule, on the 14<sup>th</sup> day of October, 2008;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, THAT:**

**SECTION 1.**

**MONTHLY RATES FOR WATER SERVICE INSIDE CITY**

Monthly rates for water service inside the city are as follows (Section 90-63):

(1) *Residential Consumers.*

- (a) For the first 2,000 gallons of water used.....\$21.50
- (b) For water used in excess of 2,000 gallons but less than 10,000 gallons, the rate per thousand gallons used is .....\$ 2.00
- (c) For water used 10,000 gallons or greater, the rate per thousand gallons used.....\$ 2.25

(2) *Commercial Consumers.*

- (a) For the first 2,000 gallons of water used.....\$23.50
- (b) For water used in excess of 2,000 gallons but less than 10,000 gallons, the rate per thousand gallons used is .....\$ 2.00
- (c) For water used 10,000 gallons or greater, the rate per thousand gallons used.....\$ 2.25

(3) *Institutional Consumers.*

- (a) For the first 30,000 gallons of water used.....\$360.00
- (b) For water used in excess of 30,000 gallons but less than 85,000 gallons, the rate per thousand gallons used is .....\$ 2.00
- (c) For water used 85,000 gallons or greater, the rate per thousand gallons used.....\$ 2.25

(4) *Industrial Consumers.*

- (a) For the first 10,000 gallons of water used.....\$150.00
- (b) For water used in excess of 10,000 gallons, but less than 85,000 gallons, the rate per thousand gallons used is .....\$2.50
- (c) For water used 85,000 gallons or greater, the rate per thousand gallons used.....\$3.00

**SECTION 2.**

**MONTHLY RATES FOR WATER SERVICE OUTSIDE THE CITY**

Monthly rates for water service outside the city are as follows (Section 90-65):

(1) *Residential Consumers.*

- (a) For the first 2,000 gallons of water used .....\$ 25.20
- (b) For water used in excess of 2,000 gallons, but less than 10,000 gallons, the rate per thousand gallons used is .....\$ 2.25
- (c) For water used 10,000 gallons or greater, the rate per thousand gallons used .....\$ 2.50

(2) *Commercial Consumers.*

- (a) For the first 2,000 gallons of water used .....\$27.50
- (b) For water used in excess of 2,000 gallons but less than 10,000 gallons, the rate per thousand gallons used is .....\$ 2.60
- (c) For water used 10,000 gallons or greater, the rate per thousand gallons used.....\$ 3.00

(3) *Institutional Consumers.*

- (a) For the first 30,000 gallons of water used.....\$ 550.00
- (b) For water used in excess of 30,000 gallons but less than 85,000 gallons, the rate per thousand gallons used is .....\$ 2.25
- (c) For water used 85,000 gallons or greater, the rate per thousand gallons used.....\$ 2.60

(4) *Industrial Consumers.*

- ((a) For the first 10,000 gallons of water used.....\$150.00
- (b) For water used in excess of 10,000 gallons, but less than 85,000 gallons, the rate per thousand gallons used is ..... \$ 2.50
- (c) For water used 85,000 gallons or greater, the rate per thousand gallons used.....\$ 3.00

**SECTION 3.**

**MONTHLY RATES FOR SEWER SERVICE INSIDE CITY**

Monthly rates for sewer service inside the city are as follows (Section 90-64).

(1) *Residential Consumers.*

- (a) For the first 2,000 gallons of water used.....\$12.50
- (b) For water used in excess of 2,000 gallons, the rate  
per thousand gallons used is .....\$ 2.00

(2) *Commercial Consumers.*

- (a) For the first 2,000 gallons of water used.....\$21.50
- (b) For water used in excess of 2,000 gallons, the rate  
per thousand gallons used is .....\$ 2.00

(3) *Institutional Consumers.*

- (a) A fixed rate fee of \$75.00;
- (b) Plus, a usage rate fee at the rate of \$2.00 per thousand gallons used.

(4) *Industrial Consumers.*

- (a) A fixed rate fee of \$50.00;
- (b) Plus, a usage rate fee at the rate of \$3.00 per thousand gallons used.

**SECTION 4.**

**MONTHLY RATES FOR SEWER SERVICE OUTSIDE THE CITY**

Monthly rates for sewer service outside the city are as follows (section 90-66):

- (1) *Residential Consumers.*
  - (a) For the first 2,000 gallons of water used.....\$15.00
  - (b) For water used in excess of 2,000 gallons, the rate per thousand gallons used is .....\$ 2.50
  
- (2) *Commercial Consumers.*
  - (a) For the first 2,000 gallons of water used.....\$24.00
  - (b) For water used in excess of 2,000 gallons, the rate per thousand gallons used is .....\$ 2.60
  
- (3) *Institutional Consumers.*
  - (a) A fixed rate fee of \$150.00;
  - (b) Plus, a usage rate fee at the rate of \$2.25 per thousand gallons used.
  
- (3) *Industrial Consumers.*
  - (a) A fixed rate fee of \$50.00;
  - (b) Plus, a usage rate fee at the rate of \$3.00 per thousand gallons used.

**SECTION 5.**

**DEPOSITS, RETURNED CHECK CHARGES,**

**FEES FOR INSPECTIONS, TAP FEES, AND OTHER CHARGES**

The following schedule of charges required by Chapter 90 of the Code of Ordinances of the City of Montgomery is as follows:

Deposits (Section 90-61)

Residential Consumers .....	\$125.00
Commercial Consumers .....	\$250.00
Institutional Consumers .....	\$250.00
Industrial Consumers .....	\$250.00
Returned Check Charge (Section 90-12) .....	\$ 25.00
Discontinuation or Refund of Water Service fee for failure to pay (Section 98-68) .....	\$ 75.00
Discontinuation or Refund of Water Service upon request of consumer (Section 98-68) .....	\$ 35.00
Residential water tap charge (Section 90-73(b)) .....	\$550.00
Residential sewer tap charge (Section 90-74(b)) .....	\$550.00
Sewer service tap inspection (Section 90-74(e)) .....	\$ 45.00
Monthly trap inspections (Section 90-80) .....	\$ 50.00
Customer service inspections (Section 90-81) .....	\$100.00

**SECTION 17.** **Construction.** This Ordinance shall not be construed so as to conflict with any state or federal statute.

**SECTION 18.** **Repeal of Conflicting Ordinances.** All provisions of the ordinances of the City of Montgomery in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Montgomery, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION 19.** **Severability Clause.** If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void, invalid or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this Ordinance

or their application to other sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

**SECTION 20. Effective Date.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED on the 14th day of October, 2008.**

\_\_\_\_\_  
Travis Mabry, Mayor

**ATTEST:**

**By:** \_\_\_\_\_  
Carol Langley, City Secretary

**APPROVED AS TO FORM:**

**By:** \_\_\_\_\_  
Bryan P. Fowler, City Attorney

## Water and Sewer Rate Schedule (prior to November 1, 2008)

### Monthly Rates for water service inside city:

Residential: \$21.50 for first 2,000 gallons of water used  
\$ 2.00 for each 1,000 gallons of water used over 2,000 gallons

Commercial: \$21.50 for first 2,000 gallons of water used  
\$ 2.00 for each 1,000 gallons of water used over 2,000 gallons

### Monthly rates for water service outside city:

Residential: \$25.20 for first 2,000 gallons of water used  
\$ 2.00 for each 1,000 gallons of water used over 2,000 gallons

Commercial: \$25.20 for first 2,000 gallons of water used  
\$ 2.60 for each 1,000 gallons of water used over 2,000 gallons

### Monthly rates for sewer service inside city:

Residential: \$18.50 flat rate

Commercial: \$18.50 for first 2,000 gallons of water used  
\$ 2.00 for each 1,000 gallons of water used over 2,000 gallons

### Monthly rates for sewer service outside city:

Residential: \$21.00 flat rate

Commercial: \$21.00 for first 2,000 gallons of water used  
\$ 2.60 for each 1,000 gallons of water used over 2,000 gallons

Residential deposit: \$125.00

Commercial deposit: \$250.00

Residential Water Tap Fee: \$550.00

Residential Sewer Tap Fee: \$550.00

Grease Trap Inspections: \$ 50.00

Disconnect/Reconnect fee: \$ 75.00

Late charges: 20% of past due balance

Garbage: \$16.40/month + \$1.35 tax = \$17.75

## **Water and Sewer Rate Schedule (after November 1, 2008)**

Monthly Rates for water service inside city:

Residential: \$21.50 for first 2,000 gallons of water used

\$ 2.00 for each 1,000 gallons of water used over 2,000 gallons but less than 10,000 gallons

\$ 2.25 for each 1,000 gallons of water used over 10,000 gallons

Commercial: \$23.50 for first 2,000 gallons of water used

\$ 2.00 for each 1,000 gallons of water used over 2,000 gallons but less than 10,000 gallons

\$ 2.25 for each 1,000 gallons of water used over 10,000 gallons

Institutional: \$360.00 for first 30,000 gallons of water used

\$ 2.00 for each 1,000 gallons of water used over 30,000 gallons but less than 85,000 gallons

\$ 2.25 for each 1,000 gallons of water used over 85,000 gallons

Industrial: \$150.00 for first 10,000 gallons of water used

\$ 2.50 for each 1,000 gallons used over 10,000 gallons but less than 85,000 gallons

\$ 3.00 for each 1,000 gallons of water used over 85,000 gallons

Monthly rates for water service outside city:

Residential: \$25.20 for first 2,000 gallons of water used

\$ 2.25 for each 1,000 gallons of water used over 2,000 gallons but less than 10,000 gallons

\$ 2.50 for each 1,000 gallons of water used over 10,000 gallons

Commercial: \$27.50 for first 2,000 gallons of water used

\$ 2.60 for each 1,000 gallons of water used over 2,000 gallons but less than 10,000 gallons

\$ 3.00 for each 1,000 gallons of water used over 10,000 gallons

Institutional: \$550.00 for first 30,000 gallons of water used

\$ 2.25 for each 1,000 gallons of water used over 30,000 gallons but less than 85,000 gallons

\$ 2.60 for each 1,000 gallons of water used over 85,000 gallons

Industrial: \$150.00 for first 10,000 gallons of water used

\$ 2.50 for each 1,000 gallons used over 10,000 gallons but less than 85,000 gallons

\$ 3.00 for each 1,000 gallons of water used over 85,000 gallons

Monthly rates for sewer service inside city:

Residential: \$12.50 for first 2,000 gallons of water used

\$ 2.00 for each 1,000 gallons of water used over 2,000 gallons

Commercial: \$21.50 for first 2,000 gallons of water used

\$ 2.00 for each 1,000 gallons of water used over 2,000 gallons

Institutional: \$75.00 fixed rate fee

\$ 2.00 usage rate fee for each 1,000 gallons of water used

Industrial: \$75.00 fixed rate fee

\$ 3.00 usage rate fee for each 1,000 gallons of water used

Monthly rates for sewer service outside city:

Residential: \$15.00 for first 2,000 gallons of water used

\$ 2.50 for each 1,000 gallons of water used over 2,000 gallons

Commercial: \$24.00 for first 2,000 gallons of water used

\$ 2.60 for each 1,000 gallons of water used over 2,000 gallons

Institutional: \$150.00 fixed rate fee

\$ 2.25 usage rate fee for each 1,000 gallons of water used

Industrial: \$50.00 fixed rate fee

\$ 3.00 usage rate fee for each 1,000 gallons of water used

Residential deposit: \$125.00

Commercial deposit: \$250.00

Institutional deposit: \$250.00

Industrial deposit: \$250.00

Residential Water Tap Fee: \$550.00

Residential Sewer Tap Fee: \$550.00

Returned check charge: \$ 25.00

Discontinuation or Refund of Water Service fee for failure to pay: \$ 75.00

Discontinuation or Refund of Water Service upon request of customer: \$ 35.00

Sewer service tap inspection: \$ 45.00

Grease Trap Inspections: \$ 50.00

Customer service inspections: \$100.00

Late charges: 20% of past due balance

Garbage: \$16.40/month + \$1.35 tax = \$17.75