

ORDINANCE NO. 03062023-02

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF ELKHART, TEXAS, AMENDING THE UTILITY RATES ORDINANCE NO. 02192019-2 AND REPEALING ORDINANCE NO. 244-110507 PROVIDING FOR PENALTIES FOR THEFT OF SERVICES FROM THE CITY OF ELKHART, TEXAS WATER WORKS AND SEWER SYSTEMS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Elkhart, Texas is a Type-A, General Law Municipality organized and existing pursuant to the laws of the State of Texas; and

WHEREAS, in an effort protect the health, safety and general welfare of its citizens, the City Council for the City of Elkhart finds it necessary to change the rates for utility services rendered within City limits to continue to provide quality service to its citizens; and

WHEREAS, the City Council for the City of Elkhart finds it necessary to define penalties for the theft of its services rendered within the City limits of the City of Elkhart.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ELKHART, TEXAS, THAT:

ARTICLE I.

Section 1. That there be and there is hereby set a Meter Deposit rate as follows:

For residential homeowners water service rate of \$157.00
For commercial accounts water service rate of \$157.00
For rental residents, home, or commercial accounts water service rate of \$257.00;
and

Section 2. That there be and there is hereby set a one-day service connect form 8:00 a.m. to 4:30 p.m. that includes no more than 1,000 gallons water and sewer at \$35.00; and

Section 3. That there be a two-week temporary connection for a deposit of \$125.00 and, \$50.00 of deposit is nonrefundable and no more than twice in a two-month period per location; and

Section 4. That there be and there is hereby set a fee in the amount of \$14.00 for a late penalty if water bill is paid after the 10th of the month; and

Section 5. That there be and there is hereby set rates for a delinquent fee of. \$50.00. If at any time the service is disconnected for non-payment, the full balance on customer

- Section 6.** account, in addition to all fees, must be paid before reconnection of service; and That there be and there is hereby set a fee of \$35.00 for a return check fee; and
- Section 7.** That there be and there is hereby set a fee of \$10.00 for re-reads to be charged to the customer if the meter has not been misread or the meter is not faulty; and
- Section 8.** That there be and there is hereby set rates for 3/4" water taps in the amount of \$2,000.00; and
- That there be and there is hereby set rates for 1" water taps in the amount of \$2,350.00; and
- That there be and there is hereby set rates for 1 1/2" water taps in the amount of \$3,350.00; and
- That there be and there is hereby set rates for 2" water taps in the amount of \$4,250.00; and
- Section 9.** Any other specialized equipment needed to complete taps will be at the sole cost of the customer. Cost will be determined by the type of contractor needed; and
- Section 10.** It is mandated that new construction shall have a sewer backflow preventer installed at customer expense; and
- Section 11.** That there be and there is hereby set a rate of \$25.00 for a "Customer Service Inspection Fee"; all leak adjustment will require a CSI before adjustment is approved; and
- Section 12.** That there be and there is hereby set an additional deposit of \$50.00 required if after the second disconnected service in one year and then every there thereafter; and
- Section 13.** That there be and there is hereby set rates and minimum usage for utility services inside and outside the Corporate Limits of Elkhart as follows:

City Limits Rates:

Water Rate: \$18.00 Base Water Rate
\$0.48 Per 100 Gallons

Sewer Rate: \$17.00 Base Sewer Rate
\$0.38 Per 100 Gallons

Outside City Limits Rates:

Water Rate: \$27.00 Base Water Rates
\$0.48 Per 100 Gallons

Sewer Rate: \$26.00 Base Water Rates
\$0.38 Per 100 Gallons

Commercial Rates:

Water Rate: \$35.00 Base Water Rates
\$0.55 Per 100 Gallons
Sewer Rate: \$35.00 Base Water Rates
\$0.55 Per 100 Gallons

Bulk Water Rates:

Water Rate: \$200.00 Non-refundable Service Charge
\$16.00 every 1,000 Gallons

Industrial Utility Rates:

Water Rate: \$5.50 Base Water Rates
\$0.55 Per 100 Gallons
Sewer Rate: \$5.50 Base Sewer Rates
\$0.55 Per 100 Gallons
Surcharge: \$2500.00 a Month

Section 14. That there be and there is hereby set that each customer will be billed from the first day of service at a prorated rate for all services to include garbage; and

Section 15. That there be and there is hereby set in policy that a deceased customer account shall be closed within 60 days; and

Section 16. That there be and there is hereby set in policy that if the customer's account is disconnected for more than 10 days the account will be closed; and

Section 17. That there be and there is hereby set and afterhours/holiday fee for any customer assistance in emergency situation for a fee of \$65.00; and

Section 18. That there be and is hereby set that every customer is required to install a cut off valve on their side of the meter outside of meter box; and

Section 19. That there be and there is hereby set a rate for residential garbage pickup service within the Corporate Limits of the City of Elkhart in the amount of \$16.63 for once time a week service and commercial account at a rate of \$17.25 for once-a-week service. Garbage services are required if the residence is located within the Corporate Limits of the City of Elkhart. All other garbage charges will be charged by rate contracted company bill plus 10%; and

All dumpsters require a deposit of \$250.00 per dumpster, and full deposit will be applied to dumpster account when requested closed; refund will be issued for remaining refund to customer after final bill.

Section 20. Theft of Services and Property

- A. It shall be presumed that a person who is receiving economic benefit from the City of Elkhart's water supply, known as Elkhart Water Works and Sewer Systems, has knowingly tampered with the tangible property of the owner, City of Elkhart, Texas by committing the following:
1. person or persons has diverted City owned water supply from passing through a metering device; and
 2. person or persons has prevented water usage from being correctly registered by a metering device; and
 3. person or persons has activated by any device installed to obtain public water owned by the City of Elkhart, Texas without a metering device.
- B. It shall be unlawful for any person to intentionally or knowingly avoid payment for any service or use of any property or facility of the City of Elkhart, whether real or personal, that they know is provided or used only in return for compensation; and
- C. It shall be unlawful for any person to intentionally or knowingly secure performance of the service or uses the property or facility to which they are not entitled either by deception, threat, false token, impersonation, or fraud. Such services, property, or facilities shall include, but are not limited to, utilities, ballfields, parks, and other recreational facilities, trash collection services, or any other service or property owned, operated, or provided by the City of Elkhart; and
- D. It shall also be unlawful to have or exercise control over the disposition of City services, property, or facilities of another to which they are not entitled unless authorized by the City and that person. For these purposes, intent to avoid paying is presumed if the actor absconded without paying for the services or knowingly uses or is in possession of such property or facility they are not authorized to use or receive.

ARTICLE II. SEVERABILITY

Should any clause, phrase, sentence, or section of this Ordinance be deemed invalid or unconstitutional by a court of competent jurisdiction, said finding shall not affect the remaining clauses, phrases, sentences or sections of this Ordinance.

ARTICLE III. REPEALER

Any ordinance, resolution or order previously passed and/or adopted by the City Council, or any part thereof, if found to be in conflict with the provisions of this Ordinance, shall be resolved in favor of the terms and conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.

ARTICLE IV.

PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving cost of services, public health, or sanitation, including dumping or refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance relating to theft or tampering of city services and property. Each day that a violation exists shall constitute a separate offense.

ARTICLE V. PUBLICATION

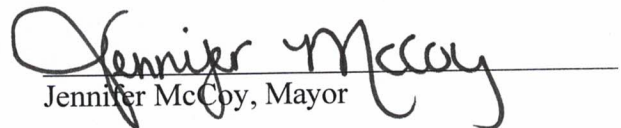
The City Secretary is authorized and directed to cause publication of the descriptive caption and penalty clauses of this ordinance as provided by law.

ARTICLE VI. EFFECTIVE DATE

This Ordinance shall become effective upon its passage and publication as required by law.

**PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF
ELKHART, TEXAS, this 06 day of March 2023.**

APPROVED:


Jennifer McCoy, Mayor

ATTEST:


Jan Stuteville, City Secretary

