

CITY OF LORENA
ORDINANCE 2014-0218-01

AN ORDINANCE OF THE CITY OF LORENA, TEXAS, ADJUSTING THE BASIC AND INCREMENTAL WATER AND SEWER RATES CHARGED BY THE CITY OF LORENA; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE; REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; ESTABLISHING CITY POLICY IN COLLECTION OF UTILITY PAYMENTS; ESTABLISHING CLASSES OF CUSTOMERS; ESTABLISHING UTILITY DEPOSIT RATES; ESTABLISHING CITY POLICY FOR UTILITY CUSTOMER ELIGIBILITY; PROVIDING FOR AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City of Lorena, Texas is a Type A General Law Municipality located in McLennan County, created in accordance with the provisions of Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas;

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

SECTION 1
BASIC MONTHLY WATER RATE

- 1.1 The basic monthly rate for residential water service for inside city limit customers is hereby revised as demonstrated in Exhibit "A".
- 1.2 The basic monthly rate for commercial water service for inside city limit customers is hereby revised as demonstrated in Exhibit "A".
- 1.3 The basic monthly rate for bulk water service is hereby revised as demonstrated in Exhibit "A".
- 1.4 The basic monthly rate for monitoring meters is hereby established as demonstrated in Exhibit "A".

SECTION 2
INCREMENTAL WATER USAGE RATE

- 2.1 The incremental usage rate for residential water service for inside city limit customers is hereby set as demonstrated in Exhibit "A".
- 2.2 The incremental usage rate for commercial water service for inside city limit customers is hereby set as demonstrated in Exhibit "A".
- 2.3 The incremental monthly rate for bulk water service is hereby established as

demonstrated in Exhibit "A".

- 2.4 The incremental monthly rate for monitoring meters is hereby established as demonstrated in Exhibit "A".
- 2.5 The incremental monthly rate for city water meters is hereby established as demonstrated in Exhibit "A".

SECTION 3
BASE AND INCREMENTAL
WASTEWATER RATES

- 3.1 The base rate for both commercial and residential wastewater service is hereby set as listed in Exhibit "A".
- 3.2 The volumetric rate for both commercial and residential wastewater service is hereby set as listed in Exhibit "A."
- 3.3 Sewer usage will be calculated annually for each customer based upon the calculated average of the monthly potable water metered for each residential or commercial wastewater customer during the preceding December, January, and February.
- 3.4 If a residential or commercial customer does not have an acceptable or sufficient history of water usage during the preceding months of December, January and February, the residential or commercial customers' monthly sewer bill shall be calculated based upon the average usage of all the wastewater system customers for the preceding December, January and February.

SECTION 4
QUALIFICATIONS TO OPEN A
UTILITY ACCOUNT

- 4.1 Accounts can only be opened in person by a responsible adult. Applicant must provide a valid TX Driver's License or an identification card issued by the TX Department of Public Safety, or a military identification. New residents from out of state can open a new account with an out-of-state driver's license, but must come back to City Hall within 30 days to provide copy of new TX driver's license showing address of newly opened account. Failure to return within 30 days will result in utility disconnection.
- 4.2 Persons with an outstanding utility debt to the City of Lorena are not eligible to open a new utility account until all outstanding debt is paid. Persons in this status will be required to pay a utility deposit \$100 higher than the deposit normally required in their property class.
- 4.3 No account can be opened in the name of a third party unless the person opening the

account is the owner (landlord) of the property who is opening the account in his/her own name. In that instance, the property owner (landlord) would be responsible for payment of the final bill if the account holder fails to pay it.

SECTION 5
CLASSES OF PROPERTY

- 5.1 There shall be two classes of property.
- 5.1.1 Class A Property: Rental property occupied by persons not the owner of the property. This would include renters, leasers, friends, or relatives.
- 5.1.2 Class B Property: Property occupied by the owners of the property.

SECTION 6
UTILITY DEPOSIT REQUIRED

- 6.1 Occupiers of Class A residential property shall post a deposit of \$250.
- 6.2 Occupiers of Class B residential property shall post a deposit of \$150.
- 6.3 Occupiers of Class A non-residential property shall post a deposit of \$350.
- 6.4 Occupiers of Class B non-residential property shall post a deposit of \$200.
- 6.5 A customer who is disconnected for non-payment or invalid check twice during a twelve (12) month period shall be required to post an additional \$100 over the deposit normally charged for that class of property.
- 6.6 Persons with an existing utility deposit at the effective date of this ordinance are allowed to keep their deposit at the amount which is in effect on the effective date ("grandfathering" status), but if customer is ever disconnected for any reason, they will be assessed under the policies in this ordinance.

SECTION 7
CHECK POLICY

- 7.1 Service will be immediately disconnected when City receives a check for a utility bill which is returned due to insufficient funds or for an invalid account. If the City has on file a valid telephone number, City employees will make one attempt to notify the customer by telephone the same day that the City receives the returned check.
- 7.2 Any customer who pays with an invalid check twice within a twelve (12) month period shall lost the privilege of paying their utility bills by check. Checks received in the outside drop box or checks delivered by the United States Post Office will not be considered as accepted from persons whose check privileges are suspended, and utilities

will be disconnected.

7.3 The fee for a returned check shall be \$30.00.

SECTION 8
LATE FEES; DISCONNECT FEES; EXTENSIONS

8.1 Bills which are not paid by the 15th day of the month will be assessed a penalty equal to 15% of the total utility bill. If the 15th fall on a Friday, Saturday, or Sunday, the immediately following Monday at 8:00 a.m. late penalties will be added. No City employee can dismiss a late penalty.

8.2 Bills which are not paid by the 25th day of the month by 5:00 p.m. will be assessed a \$50.00 late fee and will be subject to disconnect on the 26th. If the 25th falls on a day before a weekend or a holiday, the disconnect will be done on the next business day.

8.3 Disconnect/Reconnect fees are \$50.00. No City employee can dismiss a reconnect fee.

8.4 There shall be no utility bill put in a "hold" status or otherwise allowed to not be paid in accordance with the City policy.

8.5 Partial payment of an outstanding utility bill will not extend the deadlines for assessing late penalty or for disconnection. Remaining balances on unpaid utility bills will still result in City policy enactment as stated in Subsections 8.1, 8.2, and 8.3

8.6 The City's policy on extensions, which began on January 1, 2009, expires on December 31, 2010. There will be no payment extensions as of January 1, 2011.

- **Penalty Fee:** 15% of total bill assessed for payments not received by 5pm on the 15th
- **Late Fee:** \$50.00 charge assessed for non-payment of bill by 5pm on the 25th
- **Disconnect/Reconnect Fee:** Service charge assessed for trip fee to disconnect/reconnect water service

SECTION 9
EFFECTIVE DATE

9.1 This ordinance shall take effect upon adoption.

SECTION 10
SEVERABILITY

10.1 It is hereby declared to be the intent of the City Council that the several provisions of this Ordinance are severable. In the event that any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid, or unenforceable.

SECTION 11
CUMULATIVE REPEALER

- 11.1 Any and all Ordinances, resolutions, and/or policies of the City of Lorena, Texas, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 12
NO INTENT TO CONFLICT

- 12.1 It is the intent of the Lorena City Council that this ordinance not be in conflict with any state or federal statute or the rules and regulations of any state or federal agency which regulates municipal utilities.

SECTION 13
ENGROSSMENT AND ENROLLMENT

- 13.1 The City Secretary of the City of Lorena is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date Clause in the minutes of the City Council of the City of Lorena and by filing this Ordinance in the Ordinance records of the City.


SECTION 14
SAVINGS

- 14.1 All rights and remedies of the City of Lorena are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

PASSED THIS 18th DAY OF February 2014 at a scheduled meeting of the City Council of the City of Lorena, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

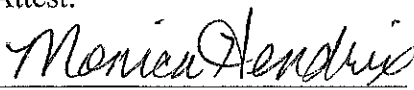
APPROVED FEBRUARY 18, 2014.

APPROVED BY:



Chuck Roper, Mayor

Attest:



Monica Hendrix, City Secretary



