

ORDINANCE NO. 2021-07

AN ORDINANCE BY THE CITY OF DONNA, TEXAS AMENDING ORDINANCE NO. 2021-02, ESTABLISHING WATER RATES AND SANITARY SEWER RATES, WATER ACCESS FEES AND WATER TAP FEES AND OTHER FEES AND CHARGES AS STATED HEREIN FOR THE CITY OF DONNA REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A REPEALER CLAUSE PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PUBLICATION AND EFFECTIVE DATE;

BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF DONNA, TEXAS THAT:

SECTION 1: DEFINITIONS

For the purpose of this ordinance the following definitions shall apply

A. RESIDENTIAL INCLUDES

1. Single family residences inside or outside city limits
2. Multi-residential structure designed for one, two or more independent living units individually metered

B. COMMERCIAL INCLUDES

1. Any property other than residential providing services to public inside or outside city limits.
2. RV & Mobile Home Parks
3. Multi-residential structures design for one, two or more independent living units with one master meter
4. Water Purchaser
5. Schools
6. Commercial
7. Water wholesales

C. INDUSTRIAL PARK SITE

1. Industrial Park
1414 South FM 493
Donna, TX 78537

D. Car Washes - Manual or Automatic

A facility or area for the cleaning or steam cleaning, washing, polishing, or waxing of passenger vehicles by machine or hand-operated facilities. A car wash may be: a single-unit type that has a single bay or a group of single bays with each bay to accommodate one vehicle only; or a tunnel type that

allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

SECTION 2: WATER RATES

The following provisions shall apply to the operations of the City Water Works system:

A. Water Base Rates: A Minimum monthly base rate shall be charged to all users.

Residential:

Meter Size	Inside city	Outside city
Less than 1"	14.03	16.13
1"	17.17	19.74
1 1/2"	30.08	34.59
2"	47.26	54.34
3"	85.53	
4"	140.24	
6"	276.99	
8"	515.27	

Commercial:

Meter Size	Inside city	Outside City	Car Wash**
Less than 1"	21.89	25.13	19.90
1"	34.46	39.51	27.57
1 1/2"	63.58	73.11	50.85
2"	98.48	113.25	78.79
3"	179.96	206.95	143.97
4"	247.26	284.34	197.81
6"	399.43	459.34	319.55
8"	930.10	1069.61	744.08

(): A carwash established on or before 2020**

Industrial Park*:

Meter Size	
Less than 1"	586.72
1"	645.39
1 1/2"	709.93
2"	780.92
3"	859.01
4"	944.91
6"	1039.41
8"	1143.35

Senior Citizens 65+:**

Meter Size	Inside city
3/4" or 5/8" only	12.51

*additional accounts or water connections created after first connection or account within Industrial Park is opened

Senior Citizen Rate:

Senior citizen rates shall not be applied to commercial accounts and only to single family dwellings. The senior discount shall only be applied to one account per senior citizen. In order to receive the senior citizen rate, the applicant must:

1. Be a City of Donna resident who receives a water/sewer bill from the city.
2. The applicant must be age 65 or older.
3. Bring proof of age (copy of Texas ID, driver’s license, or birth certificate).
4. Be the primary account holder.
5. Provide a copy of the deed or a rental/lease agreement in the applicant's name for the property at which the service is being provided.

B. Water Commodity Rates: A per thousand gallon water commodity charge shall be charged to all users base on the following tiers.

(\$ per 1,000 Gallons)
Residential:

Usage Rate	(1,000 gal)	Inside City Rate	Outside City Rate
Block 1	0 to 6	\$2.47	\$2.84
Block 2	>6 to 20	\$4.22	\$4.85
Block 3	> 20	\$4.92	\$5.65

(\$ per 1,000 Gallons)
Commercial includes car wash facilities:

Usage Rate	(1,000 gal)	Inside City Rate	Outside City Rate	Car Wash ****
Block 1	0 to 6	\$4.64	\$5.33	\$4.64
Block 2	>6 to 15	\$5.01	\$5.76	\$5.01
Block 3	> 15	\$6.62	\$7.61	\$6.62

(\$ per 1,000 Gallons)
Industrial Park Site*:

After 1st Industrial Park Site:*

Usage Rate	(1,000 gal)	Rate
Block 1	0 to 20	\$13.78
Block 2	>20 to 55	\$17.56
Block 3	55 to 105	\$23.17
Block 4	>105	\$29.79

*Per 1,000 Gallons
INDUSTRIAL SITE
FIRST CONNECTION

Usage Rae	(1000 gal)	rate
Block 1	>0	9.99

(\$ per 1,000 Gallons)
Senior Citizens:

Usage Rate	(1,000 gal)	Rate
Block 1	>0	\$2.28

*** Industrial Park:** This rate is applied to any additional accounts or water connections created after first connection or account within Industrial Park is opened.

***** Carwash:** This rate is applied to any carwash that was established on or before 2020.

C: WATER ACCESS FEE

A one-time non-refundable and non-waivable water line access charge shall be imposed to new users for services furnished:

Inside & Outside City Limits

<u>Residential</u>		<u>Commercial</u>		<u>Industrial Park Site</u>	
3/4" x 5/8"	\$300	3/4" x 5/8"	\$425	3/4" – 8"	\$108,000
1"	\$450	1"	\$550		
1.5"	\$500	1.5"	\$625		
2"	\$575	2"	\$750		
3"	\$600	3"	\$825		
4"	\$705	4"	\$925		
6"	\$825	6"	\$1275		

SECTION 3: WATER TAPPING FEES

A. Water Tap - If the tap is non-existent, the customer shall be charged labor, material, and equipment cost in addition to the access fee for the City to recover the costs to install the water tap. The following charges will be charged for water tap fees.

Residential:

3/4" Meter	\$900
1" Meter	\$1,300

Commercial:

3/4" Meter	\$1,175
1" Meter	\$1,500
2" Meter	\$4,000

Installation of meters larger than 1" require an estimate from the Water Dept. (allow three (3) days). The estimate tap fee is required to be paid in advance of making the tap. Customer will be billed or reimbursed based on actual cost of materials and work performed.

After payment of water tapping fee and access fees and setting up of customer account, the water department shall have ten (10) working days to install the water meter.

B. Temporary Inactivation of Accounts:

A customer may inactivate water services for periods of up to one hundred eighty (180) days without permanently closing of the account provided that they personally appear at

the Water Billing Department with proper identification. This will result in no billing during the days specified.

The account and meter will be re-activated during normal business hours provided that the customer notifies the Water Billing Department, by phone, email or fax with 24-hour notice of re-activation request. The customer must sign a reactivation form within 48 hours of their return. Water usage and a prorated base fee will be charged for water used prior to temporary inactivation date. If customer fails to reactivate the account within the 180 days, the account shall be closed, and the deposit shall be refunded or applied to the account any balance due to the customer will be mailed.

SECTION 4: WATER, SEWER AND GARBAGE DEPOSITS

A. A deposit of One hundred dollars (\$100.00) for water and sewer residential owners, or a deposit of one hundred twenty-five dollars (\$125.00) for water and sewer residential renters, or a deposit of twenty-five dollars (\$25.00) for accounts with garbage only, shall be made with each application at the initial time services is being requested, this deposit is to be refunded or applied to the account by the city when service is terminated any balance due customer will be mailed.

B. A deposit for each commercial user shall be made with each application in the minimum sum of one hundred fifty dollars (\$150.00). In the case of larger commercial or industrial accounts, the City Manager shall determine the amount of deposit by taking into consideration the potential water usage of the applicant. This deposit is to be refunded or applied to the account by the city when service is terminated any balance due customer will be mailed.

SECTION 5: RE-ACTIVATION OF ACCOUNTS

An activation fee of twenty-five dollars (\$25.00) shall be charged during normal business hours for activation of new accounts.

Water accounts disconnected for reasons including failure to pay the water or sewer bill shall be charged a ten-dollar (\$10.00) re-connection fee for re-activation of account and service. An overtime reconnect fee of \$50.00 will be charged to customers for reconnects after 5 p.m. Overtime fee and water bill must be paid before 10 a.m. next business day or account will be disconnected.

Not available to debtors:

The city may decline or fail or cease to furnish utility service to any person who may be in debt to the city for any reason, except ad valorem taxes and special assessments.

Meters re-read and field testing of Meters:

There is no fee charged for meter re-reads and the field-testing of water meters.

SECTION 6: INOPERATIVE WATER METERS

Should a water meter become inoperative during the service period, the account shall be billed in an amount equal to a three (6) month average determined during a similar period of the calendar year when meter was operative. This shall continue until an operative meter is installed.

SECTION 7: SANITARY SEWER ACCESS FEES

The following access fee shall be charged for sanitary sewer connections permitted by the City of Donna, Texas:

<u>Residential</u>		<u>Commercial</u>	
4"	\$800.00	4"	\$3,000.00
6"	\$1000.00	6"	\$5,000.00

SECTION 8: MONTHLY SANITARY SEWER RATES

All residential and commercial users shall be charged a monthly base and usage fee. The base fee is intended to defray the costs of administration of the utility system as well as the bond debt requirements. The usage fee is intended to defray the cost of the operation and maintenance of the sanitary sewer system by apportioning the annual total cost of operating and maintaining said system to the total treated water produced for consumption by the city’s water treatment plant.

Rate Formula: base fee plus per thousand (\$/Thousand - Gal) x 80% of water usage for Residential and commercial accounts. Base fee plus per thousand(\$/Thousand-Gal) X 100% of water usage for industrial park site accounts. Car Wash facilities built after calendar year 2020 will fall under the sewer commercial base and commodity rate.

SEWER BASE RATE
Monthly Base Charge

Category:	Inside city	Outside city	Car Wash Prior to 2020
Residential Inside	13.38	15.36	NA
Commercial	20.08	23.09	20.08
Senior Citizen	12.51		
Industrial Park*	155.29		

SEWER COMMODITY CHARGE
Rate Formula (tier) per 1k

Category:	80% inside city	80% Outside city	Car Wash Prior to 2020
Residential Inside	2.54	2.92	NA
Commercial	6.58	7.56	NA
Senior Citizen	2.38		

SEWER COMMODITY CHARGE
Rate Formula Industrial Park Sites

Category:	100%
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1" Industrial Site	8.99
After 1 st Site	17.68

**applied to any additional accounts or water connections created after first connection or account within Industrial park is opened.*

SECTION 9:

A person commits an offense if he tampers, impairs or damages a water meter or water line of the City of Donna in any of the following ways:

- 1) By breaking the meter glass or meter dials;
- 2) By opening the service valve from a meter to a user line without the effective consent of the City of Donna Water Utility Department;
- 3) By connecting a user line directly with a city water line or fixture where no water meter is available.
- 4) By opening or closing any City water main valve without written authorization by the City Water Works Department.

SECTION 10:

Any person violating this ordinance shall, upon conviction thereof, be guilty of a Class "C" misdemeanor and shall be punished by a fine or not less than \$50.00 and not more than \$200.00 and each and every day that the terms of this ordinance shall be violated shall constitute a separate offense.

Termination or refusal of service:

The city shall have the right to disconnect or refuse to connect or reconnect any utility service for any of the following reasons:

- (1) Failure to meet the applicable provisions of law.
- (2) Violation of the rules and regulations pertaining to utility service.
- (3) Nonpayment of bills.
- (4) Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise.
- (5) Molesting any meter, seal or other equipment controlling or regulating the supply of utility service.
- (6) Theft or diversion and/or use of service without payment therefor.
- (7) Vacancy of premises.

SECTION 11: RULES AND REGULATIONS

The following rules and regulations are established:

A. Repairs: All repairs of service pipes and plumbing systems from water meter to building and sanitary main building shall be made by and at the expense of the owner of

the premises serviced. The City may, in case of emergency, repair and service pipes and if this is done the cost of such repair work shall be repaid to the City by the owner of the premises served.

B. Installation of Service Pipes: All service lines from the water meter to the premises, and sanitary connections from the sewer main to the premises served shall be installed by, and at the cost to, the owner of the premises serviced or the applicant for the services. The customer is responsible for all maintenance or repair issues associated with service lines. The City of Donna Inspection Department or assigned representative shall inspect such installation for approval. The following regulations shall also apply regarding service pipes:

1. Restaurants and all cooking establishments that have been properly permitted shall provide a grease trap with a minimum tank of five hundred (500) gallons or greater. The design must comply with demand needs of the establishment.
2. All existing establishments if found to require a grease trap, the subsection 8-B shall apply to the establishment. All existing buildings that change or alter to accommodate a restaurant or cooking establishment must conform to the subsection 8-B in every respect.

C. Penalty for Non-Payment: All rates charged for the use of the City's water works or sanitary sewer system shall be paid by the users thereof to the city in advance of the tenth (10) day of each month following the month during which the services are provided. On the eleventh (11) day of the month following the month during which services were provided, a penalty of 10% of a total bill for service shall be added to the amount past due and unpaid.

D. No Free Use: No free service shall be rendered by the water works and sanitary sewer system to any customer or customers and to the extent that the city and its various departments avail themselves of the services afforded by the water works and sanitary sewer system they shall pay therefore, the same rates as are charged to the other customers or an equivalent rate.

E. Non-Payment: The water supply or sanitary sewer system may be disconnected from any premises for which the water or sewer charges remain unpaid for a period of twenty (20) days after bill is rendered and mailed. On and after the twenty-first (21st) day, accounts shall not be re-activated except upon payment of the unpaid bill in full together with all penalties, and a \$10.00 fee for late payment or re-activating the subject premises account.

F. Multiple Service Connections: Multiple service connections (more than one user per single meter) are prohibited.

G. Separate connections: Every building, structure or consumer in the city shall have a separate utility service connection.

H Plumbing: Water services shall not be permitted for premises in which the plumbing does not comply with the plumbing code of the city; provided that water may be turned on for the construction work in an unfinished building pending final completion thereof.

I Emergency Service: All applications for water and/or sewer services shall be done during the regular business hours. However, for emergency services (connections, reconnections, or disconnection's) a service fee of \$20.00 shall be paid on the next following business day. If the fee is not paid on the next following business day, the service shall be disconnected until the service fee and any other fees related to the service fee have been paid. For residential customers who request that a private sewer service line (from owner premises to sewer main) be jetted, a fee of \$50 shall be paid before the work can be performed. Commercial customers requesting that their sewer service line (from owner premises to sewer main) be cleared or jetted shall pay a fee of \$225 before work is performed.

J. Compliance with Authority:

1. Unless the approving authority grants exception, the sanitary sewer system shall be used by all persons discharging wastewater, industrial waste and polluted liquids.
2. Unless authorized by the Texas Commission on Environmental Quality, no person may deposit or discharge any waste liquid on public or private property or into or adjacent to any natural outlet, storm sewer, watercourse, or other area within the jurisdiction of the city.

K Impairment of Facilities:

1. No person may discharge into public sewers any substance capable of causing:
 - a) Obstruction of flow in sewers;
 - b) Interference with the operation of treatment processes of facilities;
 - c) Excessive loading of facilities; and
 - d) Excessive discoloration including but not limited to dye wastes and vegetable tanning solutions.
2. No person may discharge into public sewer lines any substance that may:
 - a) Deposit grease or oil in the lines in such manner as to clog the sewers;
 - b) No other hazardous metals or toxic materials may be discharged into public sewers without a permit of the approving authority specifying conditions of pre-treatment, concentrations, volumes and other applicable conditions;
 - c) Prohibited hazardous materials include but are not limited to antimony, beryllium, bismuth, cobalt, strontium, herbicides and pesticides; and
 - d) No waste, wastewater or other substance may be discharged into the public sewers that have a ph lower than 5.5 or higher than 9.5 or any substance capable of causing damage or hazard to structures, equipment or personnel at the wastewater facilities.

L Termination of service upon damage: Where acids, chemicals, or grease damaging to sewer lines or treatment processes are released to the sewer causing rapid

deterioration of these structures or interfering with proper treatment of sewage, the city is authorized to immediately terminate service by such measures as are necessary to protect the facilities. The cost of any damage or cleaning that results from the release of grease or chemicals will be the responsibility of the customer.

M. Particulate Size:

1. No person may discharge garbage or other solids into public sewers unless it is shredded to a degree that all particles can be carried freely under flow conditions normally prevailing in public sewers. Particles greater than ½ inch in any dimension are prohibited.
2. The approving authority is entitled to review and approve the installation and operation of any garage grinder equipped with a motor of ¾ horsepower or greater.

N. Requirements for Building Sewers: Any person responsibilities for discharges through a building sewer carrying industrial wastes shall, at his or her expense and as required by the approving authority:

1. Install an acceptable control manhole;
 - a. Control manhole:

When required by the city, the owner of any property serviced by a building sewer carrying industrial or commercial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
2. Install meters and other appurtenances to facilitate observation sampling and measurement of the waste;
3. Install safety equipment and facilities (ventilation, steps and the like) where needed;
4. Maintain the equipment and facilities.

O. Excavation Permits: In residential subdivisions, the developer installs the sewer service before the lots are sold. On existing streets and in commercial areas where new sewer services are required, the builder must hire a contractor to install the needed services after obtaining a permit. An excavation permit from the Public Utilities Department located at 114 South 13th St. is required prior to connecting to the city sewer main. The permit is \$25.00 payable by check, cash, or money order and the licensed plumber must present his Certificate of Insurance at that time. The sewer connection fees must be paid to the Utility Department at the time the plumbing permit is obtained. The order for location of the sewer service takes between 5-7 business days (excluding weekends and holidays).

P. Temporary interruption of service: The city reserves the right to cut off any utility service without notice in case of emergencies. When an interruption in service is necessary for the maintenance and improvement of the utility system, affected customers will be notified as circumstances permit.

Q. Liability of city for damage: The city shall not be liable for any damage to any customer of any utility service furnished by the city due to backflow of the sewerage system, failure of supply, interruption of service or for any other cause outside the direct control of the city.

R. Right of entry to premises supplied with city water: The public utilities department shall have free access at all reasonable hours of the day to all parts of any premises to which water is supplied by the city.

SECTION 12: WATER METER

All premises using the City water supply must be equipped with a water meter provided by the City.

A. Deposit required:

A meter deposit of \$100.00 shall be required for all residential connections, and a deposit of \$150.00 shall be required for all rental and commercial properties for connection to the city's water system.

B. Access to water meters:

Utility staff must have access to water meters located on or off premises. Intentional or unintentional obstruction of access to meters will result in termination of service.

SECTION 13: BILLS.

Bill for water used and sewer services shall be dated and mailed out monthly.

Returned checks – checks returned unpaid by the bank shall be charged a \$25.00 return check fee. Checks redeposited and returned twice by bank will have another 25.00 return

SECTION 13: BILLS (Cont'd)

check fee and will have their services disconnected. Customer must pay insufficient fund and current water bill before reconnecting account.

Balance Transfer – A \$25 fee shall be paid by customers requesting to transfer service to a new address. Balances cannot be transferred and shall be paid in full before service can be transferred to a new address.

SECTION 14: REPEALER CLAUSE

This ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any Ordinance in direct conflict with any provision of this Ordinance is hereby repealed and the provisions of the Ordinance shall supersede any provision in conflict herewith; all provisions of any other Ordinance not in conflict herewith shall remain in full force and effect.

SECTION 15: SEVERABILITY CLAUSE.

If any portion of this ordinance shall be held invalid or inoperative, the remaining portions hereof shall not be affected but shall remain in full force and effect.

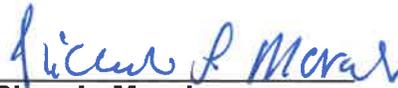
SECTION 16: PUBLICATION AND EFFECTIVE DATE

This ordinance shall be published in accordance with the City Charter and take effect upon its adoption and publication.

Passed, and approved upon first reading on this the 30th day of June 2021.

Passed, approved, and adopted on second and final reading on this the 20th of July 2021.

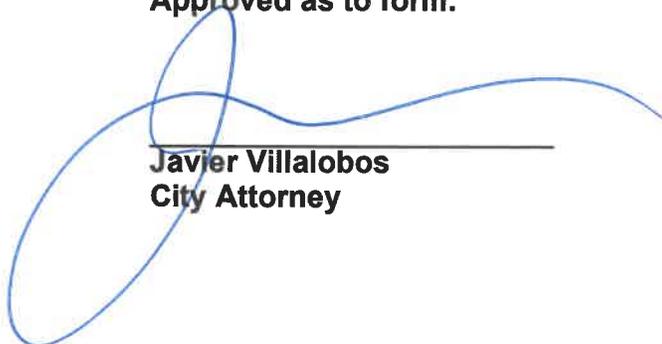



Ricardo Morales
Mayor

Attest:


Norma Yanez
City Secretary

Approved as to form:


Javier Villalobos
City Attorney