

**ORDINANCE NO. 2022-10**

**WATER/SEWER ORDINANCE**

**AN ORDINANCE OF THE CITY OF SNOOK, TEXAS, REGARDING PAYMENT PROCEDURES FOR WATER AND SEWER SERVICE, TAP AND WATERLINE EXTENSION FEES, AND WATER AND SEWER RATES; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING**

**WHEREAS**, the City of Snook (“City”) is a general law municipality; and

**WHEREAS**, pursuant to Texas Local Government Code § 51.001, the City Council of the City of Snook, Texas (“City Council”) has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

**WHEREAS**, the provision of water and sewer services for the residents of the City is necessary for the public health of the citizens and the protection of the environment and natural resources of the City; and

**WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace, and order of the City of Snook to adopt an ordinance increasing the water and sewer rates in accordance with the water and sewer rate review conducted by Strand Associates, Inc.;

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

**Section 1. Application for Services.**

Each prospective customer desiring water and/or sewer service shall provide appropriate information for billing, accounting and rate classification purposes in order to obtain such service and shall pay the applicable tap fees, deposits, and monthly charges as set forth by the City.

**Section 2. Security Deposit and Utility Accounts.**

The following shall apply to all water and sewer utility accounts:

- (a) All new and existing customers shall pay a one hundred dollar and no cents (\$100.00) security deposit for the provision of water and sewer services or a fifty dollar and no cents (\$50.00) security deposit for the provisions of only sewer service.

- (b) In addition to the security deposit all new and existing customers wish to connect to the City's water and/or sewer services shall pay a one hundred dollar and no cents (\$100.00) connection fee. Should services be disconnected because of non-payment the \$100.00 connection fee must be paid before services will be reconnected. In the event that a City water line is not in existence on a street adjoining the premises of the new or existing customer, said customer shall also pay the total expense of constructing a water line from the nearest existing water line to the premises of the customer requesting water service.
- (c) All customers requesting water and/or sewer service shall personally sign the application for services and provide verification of name and current address for billing.
- (d) On the event any customer's service is disconnected for late payment, the City will apply the deposit to the deficiency and require full payment of any delinquent account, in addition to any reconnection fees and reinstatement of the full security deposit prior to reinstatement and reconnection of services.
- (e) Security deposit shall remain with the City until termination of services.

**Section 3. City Water Sold at Premises With Water Meters.** Water from the City water system shall be sold and delivered to residential and commercial customers by the City through its mains only to persons at whose premises water meters are installed. Water meters, water meter readings, and water meter computations shall be subject to the following:

- (a) *Each meter constitutes a separate service.* Each meter installed at any premises shall constitute a separate service and must be paid for as such, except as provided in subsection (c) of this section.
- (b) *Separate meter for each residence or commercial/business building in new service.* For any water service installed after December 19, 2022 each single family residence or commercial/business building making connection with the City water system shall have a separate meter, and no new connections shall be made by the City unless such single family residence or commercial/business building is separately metered, except as provided in subsection (c) of this section. The City shall determine if an accessory building is an incidental part of the primary residence or commercial/business building. If it is determined that it is an incidental part of the primary residence or commercial/business building, no additional meter shall be required.

- (c) **Multiple use of meter in existing building.** In existing cases where more than one building is served by a single meter, the entire amount of water consumed and registered through such meter shall be billed to the building nearest the meter. Such procedure shall continue until such buildings are separately metered.
- (d) **Single family residences.** For any water service installed after December 19, 2022, only one single family residence per parcel, plot, tract, or lot shall receive a water meter. If an owner intends to construct multiple single family residences on a single parcel, plot, tract, or lot then said premises must be subdivided so that each single family residence is on a distinct parcel, plot, tract, or lot. If a property owner intends to construct a combination of residential and commercial/businesses buildings on a single parcel, plot, tract, or lot; then said premises must be subdivided so that each residence or commercial/business building is on a distinct parcel, plot, tract, or lot. No water meter connected by the City shall serve both a residential dwelling and commercial/business building.
- (e) **Commercial buildings.** For any water service installed after December 19, 2022, only one single commercial/business building per parcel, plot, tract, or lot shall receive a water meter. If an owner intends to construct multiple commercial/business buildings on a single parcel, plot, tract, or lot then said premises must be subdivided so that each business is on a distinct parcel, plot, tract, or lot. If a property owner intends to construct a combination of residential and commercial/businesses buildings on a single parcel, plot, tract, or lot; then said premises must be subdivided so that each residence or commercial/business building is on a distinct parcel, plot, tract, or lot. No water meter connected by the City shall serve both a residential dwelling and commercial/business building.

**Section 4. Payment Procedure.**

**A. Payment due.** Payments for City services are due by 5:00 p.m. of the fifteenth (15<sup>th</sup>) day of each month. If the fifteenth day of the month falls on a non-business day, the payment is due by 5:00 p.m. on the next business day.

**B. Payments.** Payment shall be mailed to the City’s P.O Box or made in person at:

City of Snook	City of Snook
P.O. Box 10	10245 FM 2155
Snook, TX 77878	Snook, TX 77878

**C. Late charge.** If full payment is not received by the fifteenth (15<sup>th</sup>) day of the month (or the next business day if the fifteenth day of the month falls on a non-business day), a

\$10.00 late charge will be assessed for that month's service.

- D. *Notice of delinquency.*** A notice of delinquency will be sent to all customers for whom full payment has not been received as of the applicable due date. The notice will state the amount owed and if the full amount is not paid by the twenty-sixth (26<sup>th</sup>) day of the month, all City services will be considered delinquent and all City services may be disconnected on the twenty-seventh (27<sup>th</sup>) day of the month.
- E. *Payment extension.*** Payment extensions may be granted on delinquent accounts if the customer requesting such extension appears in person at least one (1) day prior to the disconnection date and enters into a written agreement with the City. A customer who defaults on the first payment extension will not be eligible for a subsequent payment extension and services may be disconnected the day after the customer defaults on the payment extension.

### **Section 5. Utility Lien.**

- A.** Except as provided in subsections B and C, the City may file a lien against an owner's property, unless it is a homestead as protected by the Texas Constitution, for delinquent bills for water and sewer utility service to the property.
- B.** The City's lien shall not apply to bills for service connected in a tenant's name after notice by the property owner to the City that the property is rental property.
- C.** The City's lien shall not apply to bills for service connected in a tenant's name prior to the effective date of this ordinance.
- D.** The City's lien shall be perfected by recording in the real property records of Burleson County a notice of lien containing a legal description of the property and the account number for the delinquent charges. The City's lien may include penalties, interest, and collection costs.
- E.** The City's lien is inferior to a bona fide mortgage lien that is recorded before the recording of the City's lien in the real property records of Burleson County. The City's lien is superior to all other liens, including previously recorded judgment liens and any liens recorded after the municipality's lien.

### **Section 6. Tap and Waterline Extension Fees.**

The following tap and waterline extension fees shall be collected as applicable from the applicant before the corresponding water or sewer system tap or connection is made:

(f) Short water tap:           \$650.00

(g) Long water tap:           \$950.00

- (h) Short sewer tap: \$950.00
- (i) Long sewer tap: \$1,250.00
- (j) Waterline extension:
  - (i) \$5.00 per foot with a 40 foot minimum for waterline
  - (ii) \$15.00 per foot with a 40 foot minimum for the required bore

**Section 7. Rates for Water Service Beginning Fiscal Year 2021.**

The following rates, fees and charges shall be charged and paid for water services provided by the City beginning in Fiscal Year 2021:

(a) **Inside City Limits.** The following rates will be charged to all customers for water service provided inside the city limits of the City of Snook:

- (i) 0 – 4,000 gallons \$33.45
- (ii) 4,001+ gallons \$4.05 per thousand gallons

(b) **Outside City Limits.** The following rates will be charged to all customers for water service provided outside the city limits of the City of Snook:

- (i) 0 – 4,000 gallons \$45.00
- (ii) 4,001+ gallons \$2.00 per thousand gallons

(c) **Bulk Sales.** The following rates will be charged to all customers for bulk water:

- (i) Every 1,000 gallons \$35.00

**Section 8. Rates for Sewer Service Beginning Fiscal Year 2021.**

The sewer rate for the use of less than 50,000 gallons in a month is based upon average water consumption for the months of November, December and January. The sewer rate for the use of 50,001 gallons or more in a single month is based on the actual monthly usage for that month, not an average.

The following rates, fees and charges shall be charged and paid for sewer services provided by the City beginning in Fiscal Year 2021:

- (a) 0 – 1,000 gallons \$34.95

- (b) 1,001 – 50,000 gallons      \$4.00 per thousand based on average use
- (c) 50,001 – 100,000 gallons      \$4.95 per thousand based on actual use
- (d) 100,001 – 200,000 gallons      \$5.95 per thousand based on actual use
- (e) 200,001+ gallons      \$6.95 per thousand based on actual use

**Section 9. Rates for Water Service Beginning Fiscal Year 2029.**

The following rates, fees and charges shall be charged and paid for water services provided by the City beginning in Fiscal Year 2029:

- (a) **Inside City Limits.** The following rates will be charged to all customers for water service provided inside the city limits of the City of Snook:

- (i) 0 – 4,000 gallons      \$40.20
- (ii) 4,001+ gallons      \$4.80 per thousand gallons

- (b) **Outside City Limits.** The following rates will be charged to all customers for water service provided outside the city limits of the City of Snook:

- (i) 0 – 4,000 gallons      \$48.05
- (ii) 4,001+ gallons      \$2.25 per thousand gallons

- (c) **Bulk Sales.** The following rates will be charged all customers for bulk water sales:

- (i) Every 1,000 gallons      \$41.75

**Section 10. Rates for Sewer Service Beginning Fiscal Year 2029.**

The sewer rate for the use of less than 50,000 gallons in a month is based upon average water consumption for the months of November, December and January. The sewer rate for the use of 50,001 gallons or more in a single month is based on the actual monthly usage for that month, not an average.

The following rates, fees and charges shall be charged and paid for sewer services provided by the City beginning in Fiscal Year 2029:

- (a) 0 – 1,000 gallons      \$34.95

- (b) 1,001 – 50,000 gallons      \$5.00 per thousand based on average use
- (c) 50,001 – 100,000 gallons      \$6.20 per thousand based on actual use
- (d) 100,001 – 200,000 gallons      \$7.45 per thousand based on actual use
- (e) 200,001+ gallons      \$8.70 per thousand based on actual use

**Section 11. Repealer.**

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

**Section 12. Severability.**

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Snook hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

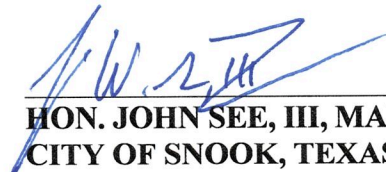
**Section 13. Effective date.**

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

**Section 14. Proper notice and meeting.**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED THIS THE 19<sup>th</sup> DAY OF DECEMBER, 2022.**

  
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**HON. JOHN SEE, III, MAYOR  
CITY OF SNOOK, TEXAS**

ATTEST:

A handwritten signature in black ink, appearing to read "David Junek", written over a horizontal line.

**DAVID JUNEK, CITY ADMINISTRATOR/CITY SECRETARY  
CITY OF SNOOK, TEXAS**