

ORDINANCE No. 27-00

AN ORDINANCE SETTING USER RATES AND CHARGES FOR SALES AND SERVICES OF THE SANITARY SEWER SYSTEM OF THE TOWN OF ANDERSON ; PRESCRIBING THE TIME FOR PAYMENT OF ACCOUNTS AND PENALTIES FOR NON-PAYMENT ; SETTING DEPOSITS FOR UTILITIES ; PRESCRIBING A DATE SUCH RATES AND CHARGES SHALL BECOME EFFECTIVE ; REPEALING ORDINANCES, RESOLUTIONS , AND ORDERS IN CONFLICT HEREWITH ; PROVIDING A SAVINGS CLAUSE ; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Alderman of the Town of Anderson, Texas , (the "Town") , a duly incorporated Type B general law municipality having more than 201 inhabitants and not more than 9,999 inhabitants, operating and existing under the laws of the State of Texas, is constructing a municipal sanitary sewer system (the"System") ; and

WHEREAS, the Town believes it is now proper to establish and prescribe rates and changes to be imposed and collected by the Town in connection with the operation of the System and the manner and procedure for the billing and collection thereof; and

WHEREAS , the Town has the authority and power pursuant to the provisions of Chapter 1502, as amended, Texas Government Code (formerly Texas Revised Civil Statutes annotated Articles 1111 through 1118, as amended), to construct and operate a distribution system for the collection, transport , processing, disposal of, and control of domestic, industrial, and commercial waterborne wastes ("Sanitary Sewer") in the Town and serving Sanitary Sewer customers within the area described in maps filed in the office of the Town, and to establish and prescribe rates and to impose charges to be collected by the Town in connection with the operation of the System and to establish the manner and procedure for the billing and collection thereof, and

WHEREAS , the Town has found and determined that the construction of the System is in the best interests of the citizens of the Town; now, therefore,

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE TOWN OF ANDERSON, TEXAS THAT:

Section 1. The monthly rates and charges for the sewer service provided by the System to all customers who receive water service on a metered basis shall be based on water usage during the months of December, January, and February. These months to be averaged and used to determine the usage. This data to be gathered and supplied by Anderson Water Company, Inc. (the "Corporation") or the Corporation's successors and assigns, pursuant to terms of the Agreement (the, "Agreement") entered into between to Town of Anderson and Anderson Water Company, Inc. dated January 27, 2000

Section 2. The Corporation, pursuant to terms of the Agreement shall bill each customer for the services provided by the Town of Anderson and shall bill and collect the amount due from each customer to the Town of Anderson for sanitary sewer service.

Section 3. In addition to the monthly rates and charges for sewer service, the following fees and charges shall be imposed by the Town on all new customers in connection with the operation of the System, to wit:

Connection cost for sewer service

4" tap size \$300.00 filing and administrative fee plus actual cost of labor and materials.

6" and 8" follow the same rules.

All fees, including the Town Engineer's inspection fee, must be paid in full prior to the commencement of utility service.

Section 4. Prior to installing underground cables and other utility services in the area of the Town collection lines, representatives of utility companies shall contact the Town's authorized representative to file such companies' construction plan and schedule and to review the engineering plans illustrating the location of Town's sewer lines. Every customer of the Town shall permit the Town's employees, officers, or agents to enter such customer's premises or structure located thereon to examine such customer's

infrastructure and other fixtures to determine the manner in which sanitary sewer service is used, that the construction, installation, and operation of such items are in compliance with the terms hereof, and for the purpose of repairing, reading, and testing meters.

Section 5. Each new customer must post a Fifty and no/xx Dollar (\$50.00) sewer deposit or equal surety acceptable to the Town on each sewer service connection.

Section 6. All property including , but not limited to, facilities, buildings , structures or sites receiving sewer service from the System after March 1, 2000 must receive water service on a metered basis from the Corporation and separate meter shall be installed for each family dwelling , commercial establishment , or property served with water i..e. there shall be no dual connections or more than one customer on a single meter. It is the intention that all future customers of the System must obtain sewer and water service from the respective systems only. Any person who hereafter does not follow this mandatory hook-up policy may be subject to any penalties, fines, or other remedies available to the Town or the Corporation under applicable law.

Section 7. All rates, charges and fees for water services provided by the Corporation and sewer services provided by the System shall be paid to Anderson Water Company, Inc. or as provided in the agreement.

Section 8. The monthly rates and charges for sewer service shall become due and payable on the due date specified in the statement following the mailing date,

Section 9. The monthly rates and charges for sewer service provided by the System and the monthly rates and charges for water services provided by the Corporation shall be billed and collected simultaneously by the Corporation.

Section 10. In the event a customer of the System should fail to make a payment of the statement by the due date specified in the statement said

statement shall be deemed delinquent and shall be subject to a penalty of increased sewer charges in the amount of Twenty Dollars (\$20.00).

Section 11. No free service shall be allowed, and to the extent the City or any of its agencies or instrumentality's avail themselves of the service or facilities provided by the System, it shall pay the same monthly rates herein prescribed for all customers.

Section 12 That the monthly rates for sewer service to be provided by the System shall be effective on March 1, 2000.

Section 13. The Mayor of the Town (upon obtaining the approval of the majority vote of the Board of Alderman) is hereby granted the authority to seek legal/ and equitable remedies of violations of this Ordinance, including the filing of criminal charges. For the purposes of enforcing this Ordinance, the Mayor of the Town shall retain legal counsel approved by the Town to represent the Town in civil enforcement actions, by and through the Town, and is hereby authorized to seek legal and/or equitable remedies against any person or entity which is reasonably believed to be violating or to have violated this Ordinance. A legal proceeding pursued under this Ordinance does not constitute by the Town of any right a municipality may have to join in a legal action originating from an alternative source of law. The Town may commence such actions from appropriate legal and/or equitable relief in courts having proper jurisdiction and may seek civil penalties and any other or equitable relief available under common law or any the applicable local, state, or federal code or statute.

Criminal . A conviction for violations of this Ordinance shall constitute a Class "c" misdemeanor. A person convicted of a violation of this Ordinance shall be fined not less than \$200 per violation. Each violation of a particular section of this Ordinance shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this Ordinance.

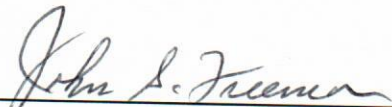
Civil. A civil penalty in an amount not to exceed one thousand dollars per violation of this Ordinance may be imposed. Each violation of a particular section of this Ordinance shall constitute a separate offense, and each day such an offense continues shall be considered a new violation for purposes of assessing civil penalties ad otherwise enforcing this Ordinance.

This Ordinance is subject to all applicable federal and state laws and any applicable permits, ordinances, rules, orders, and regulations of any local, state or federal governmental authority having or asserting jurisdiction but nothing contained herein shall be construed as a waiver of any right to question or contest any such other law, ordinance, order, rule, or regulation in any forum having jurisdiction.

Monthly rates shall be as set out in Annex A attached.

This ordinance shall take effect and shall be in full force and effect from and after its passage.

PASSED AND APPROVED AND ADOPTED this the 10th day of February, 2000.



MAYOR

ATTEST:



SECRETARY

ANNEX A
Residential Sewer Rates

1. Monthly Service Charges

Monthly service charges to be based on the metered water billing for the:

First 1,000 gallons per month	\$20.00
All excess of 1,000 gallons per month, per 1,000 gallons	\$1.50
Minimum charge	\$20.00

2. Computation of Monthly Bills

Monthly bills to residential customers shall be computed on the basis of the winter averaging sewer charge period or the interim averaging sewer charge period depending upon the circumstances in each case. The winter average sewer charge and the interim average sewer charge are defined as:

Winter average charge. The monthly sewer service charge established by the System during the winter averaging sewer charge period. This charge is the basis for monthly billings until completion of the next entire winter averaging sewer charge period.

Interim average charge. The monthly sewer service charge established by the System during the interim average sewer charge period. This charge is the basis for monthly billings until completion of the next entire winter averaging sewer charge period and becomes the basis for subsequent monthly billings.

Customers who have not yet established either a winter average or an interim average shall be billed the unmetered residential charge. The unmetered residential charge is a temporary flat rate charge to new customers who have not yet established either a winter average or an interim average upon which monthly sewer service charges would be based. The unmetered residential

charge for sewer service provided by the System is a flat rate of Twenty-five and no/100 Dollars (\$25.00) per month.

3. Winter and Interim Averaging Periods

The Winter and Interim Averaging Periods are defined as follows:

Winter averaging sewer charge period. The period of water and sewer service during the three (3) complete consecutive billing periods commencing on or after November 15th of each year and terminating on or after the completion of three full billing cycles in February of each year. Accordingly, the "winter average" months shall be December, January, and February of each fiscal year. During the three (3) complete consecutive billing periods the system shall establish monthly sewer service charges for customers based upon their average monthly water consumption during the three (3) complete consecutive billing periods.

Interim average sewer charge period. The period of water and sewer service during three (3) complete monthly billing periods during which the system establishes monthly sewer service charges for customers based upon their average monthly water consumption during that period. This interim averaging sewer charge period is to be used only in determining monthly sewer service charges when the customer has not yet established a winter average by the method outlined in the definition of winter averaging sewer charge period above.

4. Final Billings

For all final billings; either the winter average charge, or the interim average charge, or the unmetered residential charge, whichever is in effect at the termination of service for residential customers, will be prorated by dividing the applicable sewer serve charge by thirty (30), and multiplying by the number of days that sewer service was actually received during the final month. However, final billings shall not be greater than the applicable sewer service charge and shall not be less than the minimum sewer serve charge stated in Annex A, Section I.

5. New Customers Who Have Not Established Monthly Sewer Service Charge by Previous Residency Within the Service Area During the Preceding Six Months.

New customers who move into the service area after the first day of a billing period and before the last day of that billing period will be billed on a proration basis by dividing the unmetered residential charge, as stated in Annex A, Section 2, by thirty (30), and multiplying by the number of days that sewer service was actually received. However, the bill for service received during the initial billing period shall not be less than the minimum sewer service charge stated in Annex A, Section I.

New customers will pay the unmetered residential charge, stated in Section I of Annex A, during the first three (3) complete billing periods while an interim average charge based upon water consumption is established. The interim average charges shall not be less than the minimum monthly sewer service charge stated in Annex A Section I.

Once the interim average charge is established, it shall be the monthly sewer service charge through the end of the next complete winter averaging sewer charge period. Once the winter average charge is established, the interim average charge shall no longer be the basis for the monthly service charge.

6. Initial Billings for Customers Relocating Within the Service Area.

Customers who relocate within the service area will receive an initial bill at their new residence based upon either the winter average charge or the interim average charge, or the unmetered residential charge, depending upon which charge has been the basis for monthly billings at the previous residence. The applicable charge will be prorated by dividing it by thirty (30), and multiplying by the number of days that sewer service is actually received during the first month at the new residence. However, initial billings shall not be greater than the applicable monthly sewer service charge and shall not be less than the minimum sewer service charge stated in

Section I of Annex A. After this initial billings, the customers described above will continue to be billed monthly sewer service charges based upon the full monthly charge established at their previous residence. This applicable charge shall serve as the basis for monthly billings until the end of the next complete winter averaging sewer charge period.

The rates described in Annex A apply to all residential customers inside the City Limits. Residential customers outside the City Limits shall pay the same sewer rate set for residential customers inside the City Limits.