

**ORDINANCE NO. 395**

THE STATE OF TEXAS  
THE CITY OF BRONTE  
THE COUNTY OF COKE

ON THIS, the 10th day of July, 2010, the City Council of the City of Bronte, Texas, convened in regular session at the regular meeting place thereof in the City Hall, with the following members present, to-wit:

Mayor	Gerald Sandusky	
Councilmembers:	Jim Guthrie	Misti Bedford
	Paula McWright	Jennifer Stango
Absent:	Buzz Gohman	

WHEREAS, it now appearing to the City Council that it is necessary and proper to prescribe a new schedule of rates or charges for services rendered by the City's Waterworks System;

WHEREAS, it was moved and seconded that said ordinance be adopted;

THEREFORE,

**BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF BRONTE AS FOLLOWS. TO-WIT:**

SECTION 1: This ordinance is adopted pursuant to the police powers and authority given general law cities by the constitution, codes and general laws of the State of Texas, including but not limited to Chapters 51 and 402, *Texas Local Government Code*.

SECTION 2: The purpose of this ordinance is to provide for the public health and general welfare, the efficient and effective provision of city services and the protection of the environment and natural resources of the community. From and after the passage of this ordinance all residential, business, commercial and industrial occupancies and uses within the City and its service area shall conform to the following rules and regulations.

SECTION 3:

(A) Each person desiring water service shall be required to complete an application for such service and pay such fees as are established by this ordinance. No service shall be rendered until such fees and any outstanding debts are paid.

(B) All meters, fittings boxes, valves and appurtenances installed by City personnel shall remain the property of the City. City maintenance of the water service ends at the customer side of the connection to the water meter itself.

(C) All connections to the City water system shall be made by City personnel unless specified otherwise by the City Council. No person, other than the proper authorized agents of the City, shall be permitted to tap or make any connections with the mains, distribution or collection lines of the City's water system, except for emergency fire fighting purposes. No new dual or multiple connections (being more than one user on a single meter) shall be permitted.

SECTION 4: That the rates or charges for the services furnished by the Waterworks System shall be as follows:

Connect Fee of \$25.00 for new service

Service Charge of \$25.00 for turning off or on water at customer's request during regular hours.

Service Charge of \$35.00 for turning off/on water after hours, on weekends, and holidays.

Service Charge of \$35.00 paid in advance for turning on and back off water for owners of property, plumbers, or realtors.

Minimum charges for a maximum allowance of 3,000 gallons shall be as follows:

3/4" or 5/8" meter	\$ 22.50
1" meter	\$ 67.50
1 1/2" meter	\$ 135.00
2" meter	\$ 225.00
3" meter	\$ 360.00

the next 9,000 gallons shall be \$1.75 per thousand gallons; the next 13,000 gallons shall be \$2.00 per thousand; next 15,000 gallons shall be \$2.50 per thousand gallons; all gallons over 40,000 gallons shall be \$3.00 per thousand gallons.

Residential customers outside the City Limits receiving water shall pay 1-3/4 times the minimum charge with a maximum allowance of 3,000 gallons; the next 9,000 gallons shall be \$1.75 per thousand gallons; the next 13,000 gallons shall be \$2.00 per thousand; next 15,000 gallons shall be \$2.50 per thousand gallons; and all over 40,000 shall be \$3.00 gallons. All service charge amounts shall also be charge at a rate of 1-3/4 times the amounts charged inside the City Limits.

Commercial Service Outside The City Limits: Hook-up and service rates shall be negotiated by private contract.

Section 4 becomes effective as of the August 20, 2010, billing.

SECTION 5: That in addition to and being a part of this Ordinance pertaining to the bulk water rate, the rate shall be as follows:

Transport truck load of raw water	\$60.00
Bobtail truck load of raw water	\$40.00
1 - 30 barrels	\$10.00
31 - 50 barrels	\$20.00
51 - 70 barrels	\$30.00
71 - 99 barrels	\$40.00
100 - 120 barrels	\$50.00

SECTION 6: The charge for tapping a water line shall be as follows:

5/8"	\$250.00
1"	\$250.00
1-1/2"	\$325.00
2"	\$425.00

Outside the City Limits:

5/8"	\$275.00
1"	\$375.00
1 1/2"	\$475.00
2"	\$625.00

The City will furnish only a 5/8" meter.

The Customer will pay for all meters larger than a 5/8". The meters must be purchased through the City.

SECTION 7: A water security deposit shall be required for each residential and commercial connection and, in the event there are additional connections for commercial offices, barns, building, and/or trailer houses, then there shall be an additional water deposit required per additional hookup for such commercial building, commercial barn, and/or trailer house. The amount of the security deposit shall be as follows:

Church	\$ 75.00
Residential (Owner Occupied)	\$ 75.00
Residential (Rental)	\$100.00
Commercial	\$125.00

The security deposit shall remain with the City until termination of services. No interest shall accrue or be due for any security deposit.

In the event there is a customer who applies for a water connection pursuant to the provision of this Ordinance and, at the time prior, said customer owes an unpaid water bill and/or statement, the water deposit required of such party shall be double the designated amount as set forth in this ordinance. The City shall have the right to require payment of any and all unpaid water bills and other outstanding debts owed to the City prior to the time that such connection is made.

All utility deposits held with the City shall, in addition to securing the payment for utility services received, also secure and may be applied to any other debt or obligation owed the City by the person or entity having made the water deposit. The remaining balance of any and all utility deposits collected by the City for water service shall be returned to the individual who secures the deposit in his or her name, at such time as such person terminates such water service with the City. The deposit will first be applied to any outstanding utility bills, then to any additional outstanding debts to the City and the remainder will be returned upon proper request and application. Additional outstanding debts of the individual seeking return of any utility deposit include but are not limited to:

- A. Liens placed by the City upon any property owned by such person; and
- B. Any outstanding fees, charges, court costs, fines or warrants payable by such person by virtue of any record, action or proceeding in the Municipal Court or Building Standards Committee.

It is the intent of the City Council that the additional connection for which the deposit shall be required shall pertain to those buildings and/or barns being used for commercial operations, not as a part of a residential structure.

SECTION 8: No customer will be allowed to transfer and maintain services without paying all deficiencies existing on prior utility accounts in full and having their current deposit for utility services on deposit with the City at the time of transfer.

SECTION 9: Water bills shall be mailed on or before the first day of each month for the services provided during the immediate preceding month.

- A. The billing date shall be the date of mailing and the failure of the Customer to receive any such bill shall in no way relieve the Customer of the duty to pay for the services rendered on or before the due date.
- B. Water bills are due on or before the tenth (10) day of each month (the "due date"). If payment of any bill is not made by the due date, the City may add a late charge of 10% of the unpaid bills, charges and expenses.

SECTION 10: The City shall have the right to and may terminate water service at any time if the Customer's water bill has not been paid by the 26th day of the month following the due date.

SECTION 11: A \$50.00 charge will be assessed as a service fee for each occurrence requiring personnel to approach the residence or business unit to disconnect water service, whether or not services are actually terminated. Such fee shall include the charges for disconnection and hereinafter known as the "disconnect fee". The past due amount and disconnect fee must be paid before the City will reconnect services.

If the customer has more than two (2) disconnect actions for non-pay or two (2) disconnect actions for returned checks in a twelve month period, the disconnect fee shall increase by \$50.00 for each additional occurrence. When the Number of disconnect actions decrease to two (2) actions in a twelve month period, the charge shall return to \$50.00 for each occurrence.

SECTION 12: In addition to the other charges as set forth in this Ordinance, whenever a meter is pulled by the City because of the unauthorized use of water, there shall be charged and collected a fee of \$50.00 before such meter shall be re-installed.

SECTION 13: It shall be unlawful for any person, in any way, to intentionally and carelessly break, deface or in any manner damage, tamper with, injure or destroy any hydrant, standpipe, lock box, water meter/cut-off or other property belonging to the City or belonging to others, and used in connection with the waterworks system of the City. No person other than a duly authorized agent of the City shall remove, repair or tamper with or in any way interfere with the City's meter boxes, meters, lock boxes, water service lines or other water system appurtenances. The City reserves the right to immediately and without notice remove the meter or disconnect water service to any customer whose meter had been tampered with and to assess a charge of \$50.00 for each occurrence plus the cost of any actual repairs.

SECTION 14: All meters, fittings, boxes, valves and appurtenances installed by City personnel shall remain the property of the City. No person other than a duly authorized agent of the City shall remove, repair, or tamper with or in any way interfere with the City's meter boxes, meters, lock boxes, water service lines and other water system appurtenances. The City reserves the right to immediately and without notice remove the meter or disconnect water service to any customer whose meter has been tampered with and to assess actual repair charges to the customer plus a damage fee of \$50.00.

Repair charges are due within 10 days from the date of invoice and are as follows:

- (A) Labor Charges - Regular time for repairs needed during normal business hours.  
After 5:00 p.m. and weekends - Time and one/half
- (B) Equipment Charges - Per FEMA Equipment Rates.
- (C) If not paid within 10 days from date of invoice, the City reserves the right to immediately and without notice remove the meter or disconnect water service until all repair charges are paid in full.

SECTION 15: All parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only, provided that any and all ordinances providing for penalty if found not in conflict herewith shall remain in full force and effect.

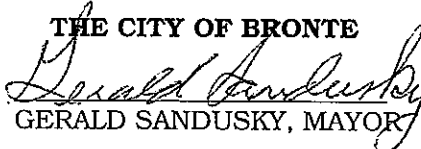
SECTION 16: If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 17: This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Texas Local Government Code*.

SECTION 18: It is hereby officially found and determined that the meeting at which this ordinance is 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, Texas Government Code*.

IT IS FURTHER ORDAINED that said Ordinance shall be effective as of July 25, 2010.

**PASSED AND APPROVED** on this 8th day of July, 2010.

**THE CITY OF BRONTE**  
  
GERALD SANDUSKY, MAYOR

ATTEST:

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PAT MARTINDALE, CITY SECRETARY