

CITY OF FLORENCE, TEXAS
ORDINANCE NO. 10262023-01

AN ORDINANCE AMENDING ARTICLE 13.02 WATER AND SEWERS, DIVISION 1, SECTIONS 13.02.001, 13.02.002, and 13.02.004 OF THE CODE OF ORDINANCES OF THE CITY OF FLORENCE, TEXAS, TO INCREASE THE WATER, SEWER, AND BULK WATER RATES, AND PROVIDING FOR THE BASIC CHARGES FOR WATER AND SEWER RATES BASED ON SIZE OF METERS AND CHARGE TO CUSTOMERS INSIDE AND OUTSIDE OF THE CITY LIMITS; PROVIDING FOR FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION AND PUBLICATION, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Florence, Texas ("City"), is a Type A general-law municipality located in Williamson 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; and

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the City has general authority to adopt ordinances and regulations that are for the good government, peace, or order of the City and that are necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council has received a Rate Study Report, based on Fiscal Year 2022 data, from Superior Water Management of Texas LLC, which provided a water and sewer rate study based on factors including: principles of water rate development; financial management; rate policies; rate design; capital budgeting; financial forecasting; revenue requirements; allocation procedures; classification procedures; and other relevant factors; and

WHEREAS, the City Council finds that, after consideration of the Rate Study Report and other factors, and due to further changes in circumstances and costs, there exists a necessity for increasing the water, sewer, and bulk water rates for the utility customers of the City, including customers inside and outside the City limits; and

WHEREAS, the City Council finds that the adoption of increased water, sewer, and bulk water rates is in the best interest of the City; and

WHEREAS, the City Council finds that due to the difference in size in meters existing and to be installed in the City utility system, that the establishment of basic charges by the City based upon the size of the meters is also in the best interest of the City; and

WHEREAS, the City Council finds that the City has historically charged different rates to customers inside and outside of the City Limits, based on the

differences in the costs of providing services to such customers, consideration of the allocation of such costs among such customers in light of factors including the water and sewer rates, ad valorem property taxes and other municipal taxes, municipal bonds, and other factors, and the City Council finds that continuing this rate structure is also in the best interest of the City; and

WHEREAS, the City Council has previously adopted water, sewer, and bulk water rates and changes by adoption of prior ordinances including Ord. No. 7-7-98, Ord. No. 09-04-01, Ord. No. 03-05-02, Ord. No. 05-11-04, Ord. No. 110607-01, Ord. No. 04072009-01, Ord. No. 10252011-02, Ord. No. 08122013-05, Ord. No. 09062016-01, Ord. No. 06292018-01, Ord. No. 11052019-01, and Ord. No. 04042023-01; and

WHEREAS, many of the provisions of such ordinances relating to the water, sewer, and bulk water rates have been codified into the City's Code of Ordinances, Article 13.02, Water and Sewers, at least through Ord. No. 08122013-05; and

WHEREAS, the City Council finds that amending Article 13.02, Sections 13.02.001, 13.02.002, and Section 13.02.004 of the City's codified Code of Ordinances, in order to bring up-to-date the codification of the prior water, sewer, and bulk water rate ordinances and to formally enact the additional changes to the rates as established in this Ordinance, is necessary and proper and in the best interests of the City and the public.

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

SECTION 1. FINDINGS OF FACT. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. ENACTMENT. Article 13.02, Section 13.02.001, Section 13.02.002, and Section 13.02.004 of the Code of Ordinances of the City of Florence, Texas, is hereby amended to read in accordance with Attachment "A", which is attached hereto and incorporated fully by reference for all purposes. Any underlined, red text shall be inserted into the Code and any struck-through red text shall be deleted from the Code, as indicated on Attachment "A".

SECTION 3. REPEALER. This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of Florence, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which the conflicting provisions of such ordinances and such Code are hereby repealed in so far only as to any direct conflict with the provisions of this Ordinance.

SECTION 4. SEVERABILITY. The phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable. If any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid, or unenforceable a court or administrative agency with jurisdiction over the matter, such declaration shall not be construed to affect any other valid phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 5. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish this Ordinance, and to codify this Ordinance in the City's Code of Ordinances, as authorized Chapter 52, Texas Local Government Code.

SECTION 7. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

SECTION 8. 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, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

THE FIRST READING PASSED AND APPROVED ON THIS 26TH DAY OF October 2023.

APPROVED:

Mary Condon
Mary Condon, Mayor

ATTEST:

Mary D. Dipe
City Secretary - Interim

THE SECOND READING PASSED AND APPROVED ON THIS 14TH DAY OF November 2023.

APPROVED:

Mary Condon
Mary Condon, Mayor

ATTEST:

Mary D. Difo
City Secretary - Interim

ATTACHMENT "A"

ARTICLE 13.02
WATER AND SEWERS

Division 1
Generally

§ 13.02.001 Water rates.

(a) Established. The monthly rates and charges for the sales made of services rendered by the water system of the city are established, levied, fixed and prescribed as set forth in subsection (b) of this section.

(b) Rate schedule. Rates and charges for water service are as follows:

(1) Definitions.

RS - Residential single

MF - Multifamily

COM - Commercial

L/CW - Laundry/carwash

F/S - Food service

(2) Inside city limits.

(A) Basic service per month for 0 - 2,000 gallons based upon size of one meter and code:

RS-1

| | |
|-------------|-----------------------------------|
| 5/8" meters | \$33.88 <u>\$59.96</u> |
| 1" meters | \$38.72 <u>\$65.53</u> |
| 1.5" meters | \$50.82 <u>\$79.44</u> |
| 2" meters | \$62.92 <u>\$93.36</u> |

MF-1

| | |
|-----------|------------------------------------|
| 1" meters | \$39.93 <u>\$66.92</u> |
| 2" meters | \$72.60 <u>\$104.49</u> |

COM-1

| | |
|-------------|-----------------------------------|
| 5/8" meters | \$35.09 <u>\$61.35</u> |
| 1" meters | \$39.93 <u>\$66.92</u> |

| | |
|-------------|-------------------------------------|
| 1.5" meters | \$52.03 <u>\$80.83</u> |
| 2" meters | \$73.81 <u>\$105.88</u> |
| 3" meters | \$223.85 <u>\$278.42</u> |
| 4" meters | \$465.85 <u>\$542.81</u> |
| 6" meters | \$453.75 <u>\$556.72</u> |

L/CW-1

| | |
|-------------|------------------------------------|
| 5/8" meters | \$35.09 <u>\$61.35</u> |
| 1" meters | \$39.93 <u>\$66.92</u> |
| 2" meters | \$73.81 <u>\$105.88</u> |

F/S-1

| | |
|-------------|------------------------------------|
| 5/8" meters | \$35.09 <u>\$61.35</u> |
| 1" meters | \$39.93 <u>\$66.92</u> |
| 1.5" meters | \$52.03 <u>\$80.83</u> |
| 2" meters | \$74.03 <u>\$106.13</u> |

(B) For additional service per month (over 2,000 gallons), add:

- (i) From 2,001 - 4,000 gallons: ~~\$2.60~~\$5.14 per 1,000 gallons* per month.
- (ii) From 4,001 - 6,000 gallons: ~~\$2.65~~\$5.22 per 1,000 gallons* per month.
- (iii) From 6,001 - 8,000 gallons: ~~\$2.70~~\$5.35 per 1,000 gallons* per month.
- (iv) From 8,001 - 10,000 gallons: ~~\$2.75~~\$5.37 per 1,000 gallons* per month.
- (v) From 10,001 - 15,000 gallons: ~~\$3.25~~\$9.23 per 1,000 gallons* per month.
- (vi) From 15,001 - 20,000 gallons: ~~\$3.50~~\$10.27 per 1,000 gallons* per month.
- (vii) From 20,001 - 30,000 gallons: ~~\$4.25~~\$12.15 per 1,000 gallons* per month.
- (viii) From 30,001 - 45,000 gallons: ~~\$5.50~~\$15.31 per 1,000 gallons* per month.
- (ix) From 45,001 gallons and up: ~~\$7.60~~\$20.59 per 1,000 gallons* per month.

*Or less.

Example: If 2,100 gallons used for one month for R/S-1, 5/8" meter, fee of ~~\$33.88~~\$59.96 for basic service, plus ~~\$2.60~~\$5.14 additional service for each 1000 gallons or less for 2nd category; since only 100 more gallons

used, only additional charge of ~~\$0.26~~\$0.51; total of ~~\$33.88~~\$59.96 + ~~\$0.26~~\$0.51 = ~~\$34.14~~\$60.47 due.

(3) Outside city limits.

- (A) Basic service. From 0 - 2,000 gallons per month, the charge for basic water service is 1-1/2 multiplied by the applicable base rate, determined by the size of the meter and code as set forth in subsection (b)(2)(A) of this section.

RS-2

| | |
|-------------|-------------------------------------|
| 5/8" meters | \$50.82 <u>\$89.94</u> |
| 1" meters | \$58.08 <u>\$98.30</u> |
| 1.5" meters | \$76.23 <u>\$119.16</u> |
| 2" meters | \$103.81 <u>\$140.04</u> |

MF-2

| | |
|-----------|-------------------------------------|
| 1" meters | \$59.89 <u>\$100.38</u> |
| 2" meters | \$108.90 <u>\$156.74</u> |

COM-2

| | |
|-------------|-------------------------------------|
| 5/8" meters | \$52.64 <u>\$92.03</u> |
| 1" meters | \$59.89 <u>\$100.38</u> |
| 1.5" meters | \$78.05 <u>\$121.25</u> |
| 2" meters | \$110.72 <u>\$158.82</u> |
| 3" meters | \$335.78 <u>\$417.63</u> |
| 4" meters | \$698.78 <u>\$814.22</u> |
| 6" meters | \$680.63 <u>\$835.08</u> |

L/CW-2

| | |
|-------------|-------------------------------------|
| 5/8" meters | \$52.64 <u>\$92.03</u> |
| 1" meters | \$59.89 <u>\$100.38</u> |
| 2" meters | \$110.72 <u>\$158.82</u> |

F/S-2

| | |
|-------------|-----------------------------------|
| 5/8" meters | \$52.64 <u>\$92.03</u> |
|-------------|-----------------------------------|

| | |
|-------------|-------------------------------------|
| 1" meters | \$59.89 <u>\$100.38</u> |
| 1.5" meters | \$78.05 <u>\$121.25</u> |
| 2" meters | \$110.72 <u>\$159.20</u> |

(B) For additional service over 2,000 gallons per month, the charge is:

- (i) From 2,001 - 4,000 gallons: ~~\$2.60~~\$5.14 per 1,000 gallons* per month.
- (ii) From 4,001 - 6,000 gallons: ~~\$2.65~~\$5.22 per 1,000 gallons* per month.
- (iii) From 6,001 - 8,000 gallons: ~~\$2.70~~\$5.35 per 1,000 gallons* per month.
- (iv) From 8,001 - 10,000 gallons: ~~\$2.75~~\$5.37 per 1,000 gallons* per month.
- (v) From 10,001 - 15,000 gallons: ~~\$3.25~~\$9.23 per 1,000 gallons* per month.
- (vi) From 15,001 - 20,000 gallons: ~~\$3.50~~\$10.27 per 1,000 gallons* per month.
- (vii) From 20,001 - 30,000 gallons: ~~\$4.25~~\$12.15 per 1,000 gallons* per month.
- (viii) From 30,001 - 45,000 gallons: ~~\$5.50~~\$15.31 per 1,000 gallons* per month.
- (ix) From 45,001 gallons and up: ~~\$7.60~~\$20.59 per 1,000 gallons* per month.

*Or less.

(4) Wholesale water.

(A) Basic service. From 0 - 50,000 gallons: ~~\$300.00~~\$600.00 per month, and add for:

(B) Additional service. From 50,001 gallons and up: ~~\$2.00~~\$4.33 per 1,000 gallons* per month

*Or less.

(5) Bulk water. See bulk water ordinance (section **13.02.004**) for details.

(Ordinance 08122013-05, pt. 2, secs. 1.01–1.03, adopted 9/11/2013)

§ 13.02.002 Sewer rates.

(a) Established. The monthly rates and charges for the sales made of services rendered by the sewer system of the city are established, levied, fixed and prescribed as set forth in subsection **(b)** below.

(b) Rate schedule. Rates and charges for sewer service are as follows:

(1) Inside city limits. Basic service per month for 0 - 2,000 gallons based upon size of one meter and code:

RS-1

| | |
|-------------|-----------------------------------|
| 5/8" meters | \$25.20 <u>\$28.82</u> |
| 1" meters | \$25.20 <u>\$28.82</u> |

| | |
|-------------|-----------------------------------|
| 1.5" meters | \$25.20 <u>\$28.82</u> |
|-------------|-----------------------------------|

| | |
|-----------|-----------------------------------|
| 2" meters | \$25.20 <u>\$28.82</u> |
|-----------|-----------------------------------|

From 2,001 gallons and up: ~~\$1.84~~\$2.20 per 1,000 gallons* per month.

MF-1

| | |
|-----------|-----------------------------------|
| 1" meters | \$36.75 <u>\$41.53</u> |
|-----------|-----------------------------------|

| | |
|-----------|-----------------------------------|
| 2" meters | \$45.15 <u>\$50.77</u> |
|-----------|-----------------------------------|

From 2,001 gallons and up: ~~\$1.84~~\$2.20 per 1,000 gallons* per month.

COM-1

| | |
|-------------|-----------------------------------|
| 5/8" meters | \$26.25 <u>\$29.98</u> |
|-------------|-----------------------------------|

| | |
|-----------|-----------------------------------|
| 1" meters | \$30.45 <u>\$34.60</u> |
|-----------|-----------------------------------|

| | |
|-------------|-----------------------------------|
| 1.5" meters | \$38.85 <u>\$43.84</u> |
|-------------|-----------------------------------|

| | |
|-----------|-----------------------------------|
| 2" meters | \$53.55 <u>\$60.01</u> |
|-----------|-----------------------------------|

| | |
|-----------|-------------------------------------|
| 3" meters | \$162.75 <u>\$180.13</u> |
|-----------|-------------------------------------|

| | |
|-----------|-------------------------------------|
| 4" meters | \$220.50 <u>\$243.65</u> |
|-----------|-------------------------------------|

| | |
|-----------|-------------------------------------|
| 6" meters | \$315.00 <u>\$347.60</u> |
|-----------|-------------------------------------|

From 2,001 gallons and up: ~~\$2.10~~\$2.64 per 1,000 gallons* per month.

L/CW-1

| | |
|-------------|-----------------------------------|
| 5/8" meters | \$27.30 <u>\$31.13</u> |
|-------------|-----------------------------------|

| | |
|-----------|-----------------------------------|
| 1" meters | \$30.45 <u>\$34.60</u> |
|-----------|-----------------------------------|

| | |
|-----------|-----------------------------------|
| 2" meters | \$56.70 <u>\$63.47</u> |
|-----------|-----------------------------------|

From 2,001 gallons and up: ~~\$2.36~~\$2.86 per 1,000 gallons* per month.

F/S-1

| | |
|-------------|-----------------------------------|
| 5/8" meters | \$27.30 <u>\$31.13</u> |
|-------------|-----------------------------------|

| | |
|-----------|-----------------------------------|
| 1" meters | \$30.45 <u>\$34.60</u> |
|-----------|-----------------------------------|

| | |
|-------------|-----------------------------------|
| 1.5" meters | \$39.90 <u>\$44.99</u> |
|-------------|-----------------------------------|

| | |
|-----------|-----------------------------------|
| 2" meters | \$56.70 <u>\$63.47</u> |
|-----------|-----------------------------------|

From 2,001 gallons and up: ~~\$2.63~~\$3.19 per 1,000 gallons* per month.

[*Or less.]

- (2) *Outside city limits.* From 0 - 2,000 gallons per month, the charge for basic sewer service is 1-1/2 multiplied by the applicable base rate, determined by the size of the meter and code as set forth in subsection (b)(1) of this section.

RS-2

5/8" meters ~~\$37.80~~\$43.23

1" meters ~~\$37.80~~\$43.23

1.5" meters ~~\$37.80~~\$43.23

2" meters ~~\$37.80~~\$43.23

From 2,001 gallons and up: ~~\$1.84~~\$2.20 per 1,000 gallons* per month.

MF-2

1" meters ~~\$57.89~~\$62.29

2" meters ~~\$67.73~~\$76.15

From 2,001 gallons and up: ~~\$1.84~~\$2.20 per 1,000 gallons* per month.

COM-2

5/8" meters ~~\$39.38~~\$44.96

1" meters ~~\$45.68~~\$51.89

1.5" meters ~~\$58.28~~\$65.75

2" meters ~~\$80.33~~\$90.01

3" meters ~~\$244.13~~\$270.19

4" meters ~~\$330.75~~\$365.48

6" meters ~~\$472.50~~\$521.40

From 2,001 gallons and up: ~~\$2.10~~\$2.64 per 1,000 gallons* per month.

L/CW-2

5/8" meters ~~\$40.95~~\$46.70

1" meters ~~\$45.68~~\$51.89

2" meters

~~\$85.05~~\$95.21

From 2,001 gallons and up: ~~\$2.36~~\$2.64 per 1,000 gallons* per month.

F/S-2

5/8" meters

~~\$40.95~~\$46.70

1" meters

~~\$45.68~~\$51.89

1.5" meters

~~\$59.85~~\$67.49

2" meters

~~\$85.05~~\$95.21

From 2,001 gallons and up: ~~\$2.63~~\$3.19 per 1,000 gallons* per month.

[*Or less.]

- (3) Use of winter monthly average for calculation of rate. RS-1 and RS-2 will use December, January, and February to determine a monthly average to calculate their sewer rate for the next twelve (12) months beginning April 1 of every year.

(Ordinance 08122013-05, pt. 2, secs. 1.04, 1.05, adopted 9/11/2013)

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§ 13.02.004 Bulk water sales.

- (a) Bulk water rate. The bulk water rate charged for bulk water purchases shall be the sum of ~~\$1.00~~\$7.00 per one hundred (100) gallons, plus a \$25.00 fee per each connection to a vehicle or container.

Example: If a vehicle with a 500 gallon capacity container connects and fills its container to capacity with bulk water two times during a period of 48 hours, the purchaser is purchasing a total of 1,000 gallons of bulk water at \$7.00 per 100 gallons for a charge of \$70.00, and making two connections at \$25.00 per each connection for a charge of \$50.00; thus, the total charge would be \$70.00 + \$50.00 = \$120.00 due.

- (b) Procedures for bulk water purchases.

- (1) Every person, firm or corporation desiring to purchase water in bulk from the city shall purchase the same in advance between the hours of 8:00 a.m. and 5:00 p.m. Monday-Friday (excluding federal, state and local holidays) at city hall.
- (2) Upon the payment of the bulk water fees in advance in the amount set forth above, such purchaser shall be entitled to a period of forty-eight hours from such payment date to connect with the city system at locations which are pre-designated by city officials. The city employee in charge of the city water department shall be authorized to establish at least one or more "pre-designated location(s)" for persons to fill up their vehicles or containers in accordance with this subsection and the other terms of this section. Such pre-designated location(s) shall be posted by such employee in a place for public inspection and viewing.
- (3) Water shall be taken only from the pre-designated fill locations as provided above, and shall be filled only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday (excluding federal, state and

local holidays).

- (4) Proof of purchase issued by city officials must be retained by such purchaser(s) for presentment upon demand by city officials when filling up, and shall be valid for 48 hours following the date of receipt. Proof of purchase which has not been fully used within 48 hours of purchase shall no longer be valid.
- (5) All vehicles and containers used in the transfer of the water from the city utility system shall be equipped with proper backflow prevention devices, including, but not limited to, such devices such as: (i) an air gap 1-1/2 times the diameter of the fill pipe, with a minimum of 2 inches, or (ii) a reduced pressure zone (RPZ) device, with proof of satisfactory testing within the past year. All such vehicles and containers used in the transfer of water from the city utility system shall receive prior inspection and approval by the person in charge of the city water department or his designee ("designated city employee") to insure compliance with this backflow prevention policy.

(c) Violations.

- (1) It shall be unlawful for any person, firm or corporation to fill or attempt to fill a vehicle or container with bulk water from the city system before the hour of 7:00 a.m. or after 6:00 p.m., Monday through Friday, or at a place other than the pre-designated location(s) posted by the city as set forth herein; such action or attempted action shall be a violation of this section and a crime.
- (2) It shall be unlawful for any person, firm or corporation to fill or attempt to fill a vehicle or container with bulk water from the city system unless such vehicle or container has been inspected and approved by a designated city employee for compliance with the backflow prevention policy.
- (d) Penalty. A violation of this section shall be punishable by a fine in accordance with section **1.01.009** of this code. Each time a vehicle and/or container is attempted to be loaded or is loaded in a bulk water transfer from the city utility system in violation of this section shall be considered a separate offense.

(Ordinance 3-7-00 adopted 3/7/2000; Ordinance adopting Code)

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