

ORDINANCE NO. 3495

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING CHAPTER 78, OF THE CODE OF ORDINANCES TO MODIFY THE BASE UNIT OF MEASUREMENT FOR WATER AND SEWER CHARGES FROM CUBIC FEET TO GALLONS AND MODIFY THE FEE SCHEDULE AND AMEND APPENDIX A, OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES RELATED TO SEWER; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 552.017, Texas Local Government Code, provides that home rule municipalities may take necessary action to operate and maintain water systems and may require water customers to pay charges imposed for water furnished; and

WHEREAS, changes have been recommended by staff to change the base unit of measurement for water and sewer volumetric rates established by Chapter 78 of the Code of Ordinances and the City Council has concurred that such change should be implemented; and

WHEREAS, the North Richland Hills City Council now desires to modify the unit of measurement for water and sewer as set forth in Chapter 78 Utilities and Appendix A Fee Schedule.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL, CITY OF NORTH RICHLAND HILLS, TEXAS, THAT:

SECTION 1. The recitals set forth are found to be true and correct and are incorporated herein into this Ordinance.

SECTION 2. That Chapter 78, Utilities, of the North Richland Hills Code of Ordinance be amended to change the base unit of measurement from cubic feet to gallons by amending the language of Sections 78-122, 78-123, 78-124, 78-141, 78-142, 78-146, 78-147, and 78-174, as set forth in Exhibit "A," attached hereto and made a part of this Ordinance for all purposes.

SECTION 3. That Appendix A, Fee Schedule, of the North Richland Hills Code of Ordinances be amended by amending the fees therein established by Sections 78-141 through 78-149 to the sewer volume rates set forth in Exhibit "B," attached hereto and made a part of this Ordinance for all purposes.

SECTION 4. All other fees set forth in Appendix A not amended herein in this Ordinance remain unchanged and in full force and effect.

SECTION 5. Article III, Division 4, Section 78-174 is hereby amended to be and read as follows:

“Sec. 78-174. – Future change in billing units.

If the measurement for billing units for water and sewer consumption is changed, the director of finance shall file amended water and sewer rate schedules with the city secretary reflecting the equivalent rates for the new measurement, and certify they are appropriate equivalents to the most recent approved rates in effect prior to the change.”

SECTION 6. This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 7. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 8. All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9. The City Secretary is hereby directed to publish this Ordinance and the rates in accordance with applicable law.

SECTION 10. This ordinance shall be in full force and effective as of February 1, 2018.

PASSED AND APPROVED on this the 22nd day of January, 2018.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Maleshia McGinnis, City Attorney

APPROVED AS TO CONTENT:

Mark C. Mills, Finance Director

EXHIBIT "A"

CHANGES TO CHAPTER 78 UTILITIES

Sec. 78.-122 - Billing policy where only one user or building is tied to same meter

The billing policy where only one user or building is tied to the same meter shall be as provided in this section. The monthly bill will be computed as follows: the minimum bill set out in Appendix A plus a volume charge as established in Appendix A per 1,000 gallons on monthly volume greater than the minimum volume from that set out in Appendix A.

Sec. 78.-123 - Billing Policy where more than one user or building is tied onto the same meter.

It shall be the policy of the city to bill each home, homes, duplex, triplex, offices or any other building where more than one user is tied on the same meter at the rate as established in Appendix A per unit per month minimum for the first 1,000 gallons of water used per unit, plus a volume charge calculated from Appendix A.

Sec. 78-124. - Billing for apartment complexes and trailer parks.

(a) *Generally.* A charge as established in Appendix A, per month, is billed for each apartment or trailer and the minimum volume of 1,000 gallons times the number of apartments or trailers plus a volume charge calculated from Appendix A.

Sec. 78-141. - Established

(2) A monthly volume charge shall also be charged to all customers in the amount as provided in Appendix A per 1,000 gallons of water used, or wastewater produced, as more specifically set forth hereinafter.

Sec. 78-142. - Monthly volume charge for residential customers.

The monthly volume charge for residential customers will be based on the individual customers average monthly water use during the previous winter quarter months of December, January and February; provided, however, the charge for April 2006 through March 2007 shall be based on the winter months of December, 2004, and January and February, 2005. In no event shall the volume used to compute this monthly charge exceed 18,700 gallons. The volumes used to compute these charges are based on the amount of water used by the residential customer as measured by a meter. Where no previous winter quarter average is available from the records, the volume to be used for this monthly volume charge shall be estimated, such estimated volume not to exceed 18,700 gallons per customer.

Sec. 78-146. - Billing policy where more than one user or building tied onto the same water meter.

It shall be the policy of the city to bill each home, homes, duplex, triplex, offices, or any other buildings where more than one user is tied onto the same water meter as established in Appendix A per month for each customer unit for sewer, plus a monthly volume charge of as established in Appendix A per 1,000 gallons of water used by the building. The monthly volume charge to be calculated as noted in section 78-142 with the exception that there shall be no volume limit as is the case for residential customers.

Sec. 78-147. - Billing for apartment complexes and trailer parks.

(a) *Charges generally.* There shall be charged a monthly service charge as established in Appendix A plus a per month per apartment or trailer charge, plus a monthly volume charge as established in Appendix A per 1,000 gallons of water used by the apartment complex or part. The director of finance shall review the fee annually and adjust the fee by the increase in the DFW Consumer Price Index for the preceding 12 months as established by the U.S. Department of Commerce.

Sec. 78-174. - Future change in billing units.

If future billing units for water and sewer consumption are changed from measurement of gallons to cubic feet, the director of finance shall file amended water and sewer rate schedules with the city secretary reflecting the equivalent rates for gallons and cubic feet, and certify they are appropriate equivalents to the approved rates of February 1, 2018 (not including future water or sewer pass-through).

EXHIBIT "B"

CHANGES TO APPENDIX A FEE SCHEDULE

CHAPTER 78. UTILITIES

Section 78, 141 - 149 Sewer Rates

	Effective February 1 2018
Residential – Single-family	
Minimum monthly service charge	\$8.39
Volume charge per 748 gallons	\$1.54
Volume base on winter quarter average, capped at 18,700 gallons	
Apartment complexes and trailer parks	
Monthly service charge	\$10.00
Minimum per unit monthly service charge	\$8.39
Volume charge per 748 gallons, all usage	\$1.54
Commercial Multi/Multi Family	
Minimum per unit monthly service charge	\$8.39
Volume charge per 748 gallons, all usage	\$1.54
All other Commercial / Industrial Classes	
Minimum per unit monthly service charge	\$8.39
Volume charge per 748 gallons, all	\$1.54

usage

CONVERSION TABLE – Rates Expressed in Cubic Feet

**Effective
February 1
2018**

Residential – Single-family

Minimum monthly service charge \$8.39

Volume charge per 100 cubic feet \$1.54

Volume base on winter quarter
Average, capped at 2,500 cubic feet

Apartment complexes and trailer parks

Monthly service charge \$10.00

Minimum per unit monthly service
Charge \$8.39

Volume charge per 100 cubic feet, all
usage \$1.54

Commercial Multi/Multi Family

Minimum per unit monthly service
charge \$8.39

Volume charge per 100 cubic feet, all
usage \$1.54

All other Commercial / Industrial Classes

Minimum per unit monthly service charge \$8.39

Volume charge per 100 cubic feet, all
usage \$1.54