

## ORDINANCE 2021-1

### AN ORDINANCE AMENDING ORDINANCE 87-4 & 94-3 WITH REGARD TO CERTAIN POLICIES SET FORTH FOR THE OPERATION OF THE SANITARY SEWER SYSTEM

WHEREAS, the City Council of the City of Coldspring, Texas deems it necessary to make certain changes with regard to the prior ordinances concerning rates and policies; therefore

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLDSRING, TEXAS

That, henceforth, from the passage of this ordinance, the following policies shall be in affect for the daily operation of the sanitary sewer system, amending aforementioned ordinances, with regard to the charges, billing, disconnect, and reconnect policies:

#### **SECTION 1. RATES**

##### **CATEGORY: RESIDENTIAL & COMMERCIAL**

##### **SEWER RATE:**

First 3,000 gallons  
(0-3,000 gallons)

Minimum rate –  
\$16.00/month

Next 17,000 gallons  
(3,001-20,000 gallons)

Minimum rate –  
\$2.25/thousand gallons

All over 20,000 gallons

\$12.80/thousand gallons

##### **CALCULATION OF MONTHLY BILL**

Monthly charges shall be calculated based on the actual monthly water usage.

Charges will be calculated on the previous months water meter reading:

Previous month water usage x .90 x sewer rate

*(\$2.50 Electrical allowance for use of grinder pump.)*

*(Usage is based on meter reading received from water company.)*

##### **COMMERCIAL DEPOSIT:**

Same as 1<sup>st</sup> month sewer billing. (Non-Transferable)

##### **RESIDENTIAL DEPOSIT:**

\$75.00 (Non-Transferable)

##### **NEW CUSTOMER TAP FEE:**

\$750.00



**INSPECTION FEE:** \$25.00

Where there is a stubout to the property line, no tap fee will be charged, only the deposit and inspection fees will be charged.

Application for service and connection permit must be completed and signed. Property owners have 30 days after purchase of property, if there is an existing structure, to connect to the sewer system. Property owners who have a tap put in prior to construction a building, etc., will hook up as soon as construction is completed.

No wells shall be drilled within City of Coldspring city limits, without approval of the City of Coldspring council. Where there is an existing well and more than one residence per well may exist, each individual residence shall be metered, and rates will be the same as for those residences connected to the water provider.

**SEWER DISCONNECT FEE:** \$350.00  
(\$150.00 If account is paid before trench is closed.)

**WATER/SEWER DISCONNECT FEE:** \$25.00 (if agreement is in effect between water company and City of Coldspring.)

**EFFLUENT DROP FEES:** \$12.50 Per 100 gallons (with City of Coldspring Council approval.)

**SECTION 2: MONTHLY CHARGES**

All rates, charges and fees hereby established for sewer service shall be paid to the City of Coldspring at City Hall. Monthly statements shall be mailed by the 1<sup>st</sup> of each month and shall be due on the 15<sup>th</sup> of the following month. A 10% late charge will be billed for monthly services charges not paid by the 15<sup>th</sup>.

**SECTION 3: DISCONTINUANCE OF SERVICE**

In the event monthly charges for services are not paid within thirty days after the same becomes due and payable, such charges shall be deemed and are hereby declared delinquent and are subject to legal action.

**A. Disconnection with notice.**

1. Notice requirements: Proper notice shall consist of a separate written statement which will be mailed, or hand delivered to a customer before service is disconnected. The notice shall include the following:

**A. The words "TERMINATION NOTICE: or similar language;**

- B. The action required to avoid disconnection, such as paying past due service charges.
- C. The date by which the required action must be completed to prevent disconnection. This date must be at least 10 days from the date the notice is provided;
- D. The intended date of disconnection;
- E. The office hours, telephone number, and address of the place payment must be made;
- F. The total past due charges;
- G. All reconnect fees that will be required to restore service if disconnected;
- H. If at any time an agreement is in effect between the water supplier and the sanitary sewer system, the notice will also state:
  - 1. That failure to pay past due sewer charges will result in the termination of water service; and
  - 2. That water service will not be reconnected until all past due and current sewer services charges and sewer reconnect fees are paid.

2 Service may be disconnected after proper notice for any of the following reasons;

- A. Failure to pay a delinquent account for service or failure to comply with the terms of a deferred agreement;
  - B. Violation of the ruled pertaining to the use of service in a manner which interferes with the service of others;
  - C. Operation of non-standard equipment, if reasonable notice, and time is given the customer to remedy the situation;
  - D. Failure to comply with the deposit arrangements.
- B. Disconnection without notice.
- 1. Where a known and dangerous condition related to the service provided exists. Where reasonable, a written notice, with explanation for actions, of disconnection shall be posted on the place of common entry as soon as possible after disconnection;
  - 2. Where service is connected without authority by person who have not made application for service;

3. Where service has been reconnected without authority;
  4. In instances of tampering with the service providers equipment.
- C. Disconnection is prohibited for the following reasons:
1. Failure to pay for services provided to a previous occupant of the premises;
  2. Failure to pay for merchandise, or charges for non utility service provided;
  3. Failure to pay for a different type or class of service unless the fee for such service is included on the same bill or unless such disconnection is in accordance with subsection (E) of this section;
  4. Failure to pay the account of another customer as guarantor thereof, unless the service provider has in writing the guarantee as a condition precedent to service;
  5. Failure to pay charges arising from an under billing due to any faulty metering, unless meter has been tampered with;
  6. Failure to comply with regulations or rules regarding anything other than the type of service being provided.
- D. Disconnection due to service provider abandonment.  
Service will not be disconnected due to abandonment unless service provider has met all state and federal rules relating to such.
- E. Disconnection of water service due to nonpayment of sewer charges.  
If at any time an agreement is in effect between the water service provider and the sewer service provider:
1. Where sewer service is provided by the City of Coldspring, and water service is provided by a retail utility or water corporation, the water provider shall disconnect water service to a customer who has not paid undisputed water charges is requested by the sewer service provider, with regard to the following rules:
    - A. Before water service may be terminated, proper notice must be given to the customer, and the water service provider by the sewer service provider. Such notice mu be in the conformity with subsection (A) of this section.
    - B. Water and sewer service services shall be reconnected in accordance with subsection (H) of this section. The water provider may not charge the customer a connect fee prior to reconnection unless it is for nonpayment of water charges in

accordance with its approved tariff. The water provider may require payment of any water service charges which have been billed but remain unpaid prior to reconnection. The water provider may require the sewer provider to reimburse it for the cost of disconnecting the water service in an amount not to exceed \$50.00. The water provider may charge the customer its approved reconnect fee for nonpayment in addition to any past due charges.

**F. Disconnection for ill customers.**

Service will not be disconnected to any delinquent customer when it has been established that some person residing at that residence will become seriously ill, or more seriously ill, if service is disconnected. To avoid disconnection under these circumstances, the customer must provide a written statement from a physician to the utility prior to the stated date of disconnection. Service may be disconnected in accordance with subsection (A) of this section if the next month's bill, and the past due bill, are not paid by the due date of the next month's bill, unless the customer enters into a deferred payment plan with the utility.

**G. Disconnection upon customer request.**

Service shall be disconnected within 24 hours after receiving a written request from the customer.

**H. Service Restoration**

1. Utility personnel will be available during normal business hours to accept payment on the day service is disconnected, and the day after service is disconnected, unless the disconnection is at the customer's request, or due to the existence of a dangerous condition related to service. Once the past due charges and applicable reconnect fees are paid, or other circumstances which result in disconnection are corrected, service will be restored within 24 hours.
2. Reconnect fees will not be charged where service was not disconnected, except in circumstances where a utility representative arrives at a customer service location with the intent to disconnect because delinquent bills, and the customer prevents the representative from disconnecting the service.
3. When a customer prevents disconnection at the meter, a reconnect fee will be charged for restoring water or sewer service after disconnection for nonpayment of monthly charges. This fee will not exceed \$25.00, providing the customer pays the delinquent charges within 45 days. If a request to have service restored is not made within 45 days of the disconnection, the amount approved by the governing body for reconnection shall be charged.

**SECTION 4: No free sewer service.**

No free sewer service shall be allowed to any customer or user, and to the extent the City of Coldspring or any of its agencies or instrumentality's avail themselves of the sewer services and facilities, payment therefore shall be made at the same rate charged other customers.

**SECTION 5: Effective date.**

The monthly rates, charges, and policies for sewer service herein established shall be effective from this point forward.

**SECTION 6: Conflict of past ordinances.**


That all ordinances, orders, or resolutions, or parts thereof heretofore passed and adopted by the City of Coldspring Council in conflict herewith, shall be and the same are hereby repealed.

PASSED AND APPROVED, this 5<sup>th</sup> day of April, 2021.



Pat Eversole, Mayor of Coldspring

ATTEST:

  
City of Coldspring  
Mayor Pro Tem

