

CITY OF ITALY, TEXAS

ORDINANCE NO. 2016-0901-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ITALY, TEXAS, AMENDING ORDINANCE NO. 12-0611-02 REQUIRING ALL OCCUPIED RESIDENTIAL AND BUSINESS/COMMERCIAL UNITS WITHIN THE CITY LIMITS OF THE CITY LIMITS OF THE CITY OF ITALY TO CONNECT TO THE CITY WATER SYSTEM AND PAY CERTAIN FEES; PROVIDING FOR CHARGES ON RURAL ACCOUNTS; PROVIDING FOR METER DEPOSITS, A RECONNECT FEE, AND A PENALTY ON ALL DELINQUENT ACCOUNTS; PROVIDING WATER LINE CONNECTION REGULATIONS; PROVIDING FOR A PENALTY; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Italy, Texas ("City"), is a Type A general-law municipality under the laws of the State of Texas, and possesses the power of local self-government under Chapter 51 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Italy, Texas ("City Council"), pursuant to various City ordinances and State law, the power to establish City water service and establish fees and charges for the provision of City water service; and

WHEREAS, the City Council has determined that it is in the best interest of the general public and for the public health, safety and welfare to provide regulations for the povision of City water service and establishing the fees and charges **therefor**.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ITALY, TEXAS, THAT;

SECTION 1: All of the above premises are found to be true and correct legislative determinations and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2: Each residential and business/commercial unit located within the city limits of Italy, Texas, shall connect to the City water service system and pay **therefor** in accordance with the rate(s) as herein provided.

Subsection A: Each Residential and Commercial I unit within the City shall pay on a graduated scale according to their usage of water as follows:

\$17.50	minimum for first 2,000 gallons a month.
\$ 4.85	per thousand gallons 2,001 through 10,000 gallons a month thereafter.
\$ 5.00	per thousand gallons 10,001 gallons a month thereafter.

Subsection B: Each Residential unit outside the City limits and all Commercial II units which are connected to the City water service system shall pay on a graduated scale according to their usage of water, as follows;

\$23.50 \$ 35.00	minimum for first 2,000 gallons a month.
\$ 5.05 \$ 9.70	per thousand gallons 2,001 through 10,000 gallons a month thereafter.
\$ 5.25 \$ 10.00	per thousand gallons 10,001 and over a month thereafter.

Subsection C:

3/4 inch meter \$ 185.00 \$ 200.00	3/4 inch meter	\$ 285.00 \$ 300.00
	1 inch meter	\$ 335.00 \$ 350.00
	1 1/2 inch meter	\$ 385.00 \$ 400.00
	2 inch meter	\$ 435.00 \$ 450.00
	2 1/2 inch meter	\$1,510.00 \$ 1,600.00

SECTION 3: Each Residential and Business/Commercial unit located within the city limits of the City shall pay therefor the rate of \$22.00 per month for the City's debt service obligations. Each separate occupied unit in a building or portion of a building operated by a separate individual, partnership, association, or corporation shall be considered as a separate unit this Ordinance and shall likewise pay the rate of \$22.00 per month for the City's debt service obligations. A Residential unit shall mean any individual quarters occupied by a person or persons who reside in said unit as a family unit whether temporary or permanently and shall pay the same monthly debt service amount as set forth in this section. the monthly debt service set forth in this section shall be included on the City's monthly water service bills and shall be paid to the City by each customer the same as the other water service bill amounts. The revenues received from this section are declared to be revenues of the City's water service system subject to the provisions of Chapter 1502 of the Texas Government Code, as amended, including but not limited to §1502.056 of the Texas Government Code.

SECTION 4: Notwithstanding any order, resolution, or ordinance to the contrary, including but not limited to prior water rate ordinances of the City, and including but not limited to Italy Resolution No. R-061009-01, pursuant to the provisions of §1502.057 of the Texas Government Code, as amended, no free service of the City's water service system is allowed except as provided in § 1502.057 of the Texas Government Code.

SECTION 5: TAP FEES. Each Residential and Business/Commercial unit within the City of Italy shall pay a tap fee as follows:

3/4 inch meter	\$1,500.00
1 inch meter	\$2,000.00
2 inch meter	\$2,500.00
3 inch meter	pricing subject to meter type
4 inch meter	pricing subject to meter type
4 inch meter	pricing subject to meter type

SECTION 6: Each monthly City water service bill is due to be paid by the customer by the 15th of the month and shall become delinquent on the 16th day of each month. On any and all accounts that are not paid by the 16th day of the month following the billed date, there shall be added to said bill a penalty of \$25.00, and the customer shall be disconnected from the City water service system on the 25th day of the month without notice if full payment is not received on or before the 25th day of the month.

SECTION 7: Any and all accounts that have been disconnected for non-payment shall pay a reconnect fee of \$25.00 for each occurrence. **All accounts must be paid in full before water service is restored.**

SECTION 8: Each separate occupied unit in a building or portion of a building operated by a separate individual, partnership, association, or corporation shall be considered as a separate unit under this Ordinance and pay the rate as follows: Number of units times minimum plus step increase as stated in previous sections.

SECTION 9: A residential unit shall mean any living quarters occupied by a person or persons who reside in said unit as a family unit whether temporarily or permanently and shall pay the same rates, as applicable, set forth in this Ordinance.

SECTION 10: Water Connections.

(A) A building lateral, building water line, drain and other private plumbing must be constructed in strict accordance with the provisions of the City's plumbing and building codes. The City may, as a condition of the connection permit, impose additional construction requirements not in conflict with the plumbing and building codes, this Ordinance, or other applicable state or federal laws and regulations in order to protect the City water service system from damage or contamination, to facilitate connection, or where extraordinary circumstances may require. All new and replacement construction on a water line shall include a shut-off valve to the structure on the premises.

(B) It shall be unlawful for any person to damage, tamper or meddle or in any way interfere with any stop box, cut-off, water meter, or any hydrant, or pipe connections, or with any of the water mains or any machinery or any connections at or with the pump station or any building or structure connected with the City water service system, or to cut off the water or turn on the same at any meter, box, cut-off or connection that is under the control of the City water department. This prohibition shall include direct or **indirect** efforts to initiate or restore City water service without the approval of the City. If the water meter has been tampered with or damaged, the meter will be removed and the customer will be required to pay an additional \$300.00 deposit and a \$150.00 installation fee in order to resume City water service.

(C) It shall be unlawful for a person, without the written consent of the City, to knowingly cause, suffer or allow the initiation or restoration of City water service to a property after termination of service. For purposes of this section, it shall be assumed that the owner, occupant, or person in control of the property caused, or allowed the unlawful initiation or restoration of City water service. The existence on premises of a device used for any of the

unlawful purposes stated in this section shall constitute prima facie evidence of knowledge of the unlawful purpose on the part of the customer, owner or person in control of the premises.

SECTION 11: Each new Residential or Business/Commercial unit shall be connected to the City water service system main through a separate meter. Once a meter is installed at a business/commercial or residential site, no other habitable unit may be connected to the same meter, but instead must have its own meter and sewage connection with a water and sewer tap fee being paid as provided by City ordinance.

SECTION 12: When any public street or alley must be opened for the purpose of making or repairing water connections or repairs, the same must be restored and repaired to its former condition with the same materials and to the satisfaction of the City of Italy.

SECTION 13: It shall be a violation of this Ordinance for any person, firm, corporation, or association to knowingly permit or cause: (a) connection to be made with the City water service system without inspection by the City as required or by failing to pay the top fee. (b) open a public street, alley, or City easement without a permit, or prevent an inspection by the City inspector as required, or (c) violation of any of the terms of this Ordinance. Upon conviction of a violation of this Ordinance, in the Municipal Court of the City of Italy, Texas, the person so convicted shall be fined up to a maximum of \$2,000.00, and each day of violation shall constitute a separate offense.

SECTION 14: In order to provide City water service to a customer, the City may install the water line to the owner's property line or up to 100 feet, whichever is less. Any person, firm, corporation, or association desiring City water service shall be responsible for the payment and installation of such water line after said 100 feet.

SECTION 15: All ordinances, orders and resolutions heretofore passed and adopted by the City Council of the City of Italy, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 16: Each and every clause, section, section, sentence or paragraph herein is severable, and if any clause, section, sentence or paragraph shall be declared unconstitutional or invalid by any judgment of decree of Court of competent jurisdiction, same shall not affect any other remaining clause, section, sentence, or paragraph thereof.

SECTION 17: This Ordinance shall be effective upon its passage, approval and publication.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Italy, Texas
this _____ day of September, 2016.

APPROVED:

Steven Farmer
Mayor

ATTEST:

Ronda Cockerham, TRMC
City Secretary/Administrator

**APPROVED AS TO FORM
AND CONTENT:**

Brandon S. Shelby
City Attorney