

## ORDINANCE 2020-23

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AMENDING THE LOCKHART CODE OF ORDINANCES CHAPTER 58, UTILITIES, SECTION 58-141, ENTITLED “DEFINITIONS” AND SECTION 58-142, ENTITLED “WATER RATES” PROVIDING FOR CHANGES IN WATER RATES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Lockhart City Council has determined based on staff recommendation that water ordinance definitions need to be amended and city water rates need to be increased to cover costs for new water supply land leases and for new water supply debt payments for the City of Lockhart; and

**WHEREAS**, the Lockhart City Council has determined that new water supplies are necessary for the future of the community and the costs of the new water supplies must be covered in water rates as allowed by state law and approved by the City Council in open session; and

**WHEREAS**, the Lockhart City Council finds that this ordinance serves a public purpose by providing for the supply of potable water for future city growth and use, and that is necessary for the health, safety and welfare of the community.

**NOW, THEREFORE**, be it ordained by the City Council for the City of Lockhart, Texas, that Chapter 58, Utilities, Section 58-141 and Section 58-142 of the Code of Ordinances, City of Lockhart, Texas, are hereby amended to read as follows:

### **I. Sec. 58-141. Definitions.**

For the purpose of this division, certain terms are hereafter defined:

*All other non-residential customers* shall mean to consist of all of the customers, whether small business or commercial/industrial, which are not classified as residential customers.

*Residential customers* shall mean to consist of single-family residential customer and multifamily residential customers for all domestic residential water use. This class shall include duplexes up to and including apartment residential units. Residential rates shall apply. Commercial base rates shall apply for multifamily unit offices in this class of customer. Where there is one or more common occupant water meter and occupants do not pay the city directly for electric service, the owner(s) must pay all applicable water charges for each occupant.

*Fixed base charge* shall mean that monthly dollar amount that is charged for water utility service, even if there is no consumption, for all customers classes.

*Water Development Debt Service Fee* shall mean that monthly dollar amount (Residential-\$1.50 and All other non-residential customers-\$2.00) that is charged in addition to the *Fixed Base Charge* for debt service development costs of new water sources.

*Water Development Lease Rate* shall mean that rate (Residential-\$1.20 and All other non-residential customers- \$1.20) per 1.000 gallons used for land lease development costs for new water sources in addition to operations and maintenance costs.

**Sec. 58-142.- Water rates.**

(a) The schedule of monthly rates or charges for water services furnished by the city for all residential customers shall be as follows:

(1) A *fixed base charge* of \$22.10 and a *Water Development Debt Service Fee* of \$1.50 (\$23.60 total) are charged per residential living unit customer per month. Where the residential living unit customer pays the fixed base charge but does not pay for consumption due to receiving water through master meter, the fixed base charge will be \$15.60 per month and a *Water Development Debt Service Fee* of \$1.50 (\$17.10 total).

(2) A charge per 1,000 gallons including the *Water Development Lease Service Rate* of:

\$4.80 between 2,001---6,000 gal.

\$5.05 between 6,001---8,000 gal.

\$5.30 between 8,001---10,000 gal.

\$6.05 greater than 10,000 gal.

(b) The schedule of monthly rates or charges for water services furnished by the city for all other nonresidential customers will be as follows:

(1) A *fixed base charge* of \$32.83 and a *Water Development Debt Service Fee* of \$2.00 (\$34.83 total) are charged per nonresidential unit customer per month. Where the nonresidential unit customer pays the fixed base charge but does not pay for consumption due to receiving water through a master meter, the fixed base charge will be \$25.83 per month and a *Water Development Debt Service Fee* of \$2.00 (\$27.83 total).

(2) A charge per 1,000 gallons including the *Water Development Lease Rate* of:

\$4.80 between 2,001---6,000 gal.

\$5.30 between 6,001---8,000 gal.

\$5.45 between 8,001---10,000 gal.

\$6.05 greater than 10,000 gal.

(c) Surcharge for out-of-city customers. All out-of-city customers, who are defined to be any customer who lives outside the city limits or corporate municipal boundaries as those now exist or are hereafter amended, in addition to all of the other rated set forth in this division, shall be charged a fixed monthly surcharge of \$5.00 per customer.

(d) Water plant--- Sales of water.

(1) *Conditions of sales.* Treated water may be sold at the Lockhart Water Treatment Plant to the general public for domestic drinking water for human or animal consumption only. A minimum of 24 hours' notice to the Lockhart Water Treatment Plant must be provided to arrange pickup. Pickup of such water shall comply with all Texas Commission on Environmental Quality regulations. The sales of water at the water plant for construction projects of any type or for the filling of swimming pools or any other recreational use are expressly prohibited.

(2) *Rates of water sales at water treatment plant.* Rates shall be as follows:

2,000 gallons or less.....\$25.00 minimum

For each additional 1,000 gallons.....\$8.00 each

*(all other sections and subsections remain unchanged)*

II. Repealer: All other ordinances, section, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

III. Publication: The City Secretary is directed to cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

IV. It is hereby officially found and determined that the meeting a which this ordinance was passed was open in the public as required by law.

V. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity or any other portion, provision or regulation.

VI. Effective Date: This ordinance shall become effective with the first utility billing cycle in October 2020.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON THIS THE 15<sup>th</sup> DAY OF SEPTEMBER, 2020.**

**CITY OF LOCKHART**

\_\_\_\_\_  
Lew White, Mayor

Attest:

APPROVED AS TO FORM:

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Connie Constancio, TRMC, City Secretary

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Monte Akers, City Attorney