

ORDINANCE NO. 6640

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 50, "UTILITY RATES AND FEES" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS, RELATING TO FEES CHARGED FOR VARIOUS SERVICES PROVIDED BY THE CITY; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

SECTION 1

That Sec. 50.34 (1) of Chapter 50, "Utility Rates and Fees," of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(1) Residential, commercial and industrial rates.

Residential.

Volume Charge

First 3,000 gallons or less (per thousand)	\$ 3.35
Next 12,000 gallons (per thousand)	4.40
All over 15,000 gallons (per thousand)	6.78

Commercial and industrial

Volume charge per 1,000 gallons	\$ 4.44
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Customer charge per month for residential, commercial, and industrial customers will be based on meter size:

<u>Meter Size</u>	<u>Rate</u>
5/8 inch	\$ 11.30
3/4 inch	14.70
1 inch	15.55
1 1/2 inch	17.20
2 inches	22.75
3 inches	59.40
4 inches	73.55
6 inches	105.15
8 inches	141.80"

SECTION 2

That Section 50.35 of Chapter 50, "Utility Rates and Fees," of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

"Sec. 50.35 Sewer service rates.

"(A) Residential users.

(1) Single-family residential users.

Customer charge	\$6.10 per month
Volume charge	\$4.40 per 1,000 gallons

Minimum monthly charge equals the customer charge per month. Maximum volume charge will not exceed a ceiling of 17,000 gallons per month. Volume charge is based on ninety-eight percent (98%) of metered water consumption. Maximum charge will not exceed the customer charge plus volume charge for 17,000 gallons per month.

Bills will be based on ninety-eight percent (98%) of the actual water volume not to exceed the customer's individual ceiling. The individual ceiling is ninety-eight percent (98%) of the average metered water volume billed during the previous December-March period for that specific customer. In the event at least three of the four months are not complete months for that specific customer, the customer shall be billed based on seventy percent (70%) of the actual water volume.

(2) Duplex dwelling residential users.

Customer charge	\$6.10 per month
Volume charge	\$4.40 per 1,000 gallons

Minimum monthly charge equals the customer charge per month. Maximum volume charge will not exceed a ceiling of 34,000 gallons per month. Volume charge is based on ninety-eight percent (98%) of metered water consumption. Maximum charge will not exceed the customer charge plus volume charge for 34,000 gallons per month.

Bills will be based on ninety-eight percent (98%) of the actual water volume not to exceed the customer's individual ceiling. The individual ceiling is ninety-eight percent (98%) of the average metered water volume billed during the previous December-March period for that specific customer. In the event at least three of the four months are not complete months for that specific customer, the customer shall be billed based on seventy percent (70%) of the actual water volume.

(3) Apartment dwelling residential users.

Customer charge	\$6.10 per month
Volume charge	\$4.40 per 1,000 gallons

Minimum monthly charge equals the customer charge per month. Volume charge is unrestricted. Volume charge is based on eighty percent (80%) of metered water consumption.

(B) General commercial-industrial users.

Customer charge	\$6.10 per month
Volume charge	\$4.57 per 1,000 gallons

Minimum monthly charge equals the customer charge per month. Volume charge is unrestricted. Volume charge is based on eighty percent (80%) of metered water consumption.

(C) Major commercial-industrial users. A separate subclass and rate may be established for major commercial and industrial customers.

(D) Septic tank contractors and waste haulers.

Customer charge	\$17.20 per month
Volume charge	\$8.60 per 100 gallons

Volume charge is unrestricted. Volume charge is based on 100% of volume of wastewater discharged into the system.

(E) Delayed payment charges. Delayed payment charges shall be made in accordance with Section 50.34(E).

(F) Outside City limits. Charges for services outside the City limits shall be as established by service contract.

(G) Tax adjustment clause. Bills may be increased by the proportionate part of any new tax, or increased rate of tax, or governmental imposition or charge (except state, county, City and special district ad valorem taxes, payments in lieu of taxes, and any taxes on net income) levied or assessed against the municipal wastewater utility or upon its business as a result of any new or amended laws after enactment of this section.

(H) Customer cities and major commercial-industrial users, specific wastewater treatment; surcharge; review procedures. The wastewater treatment charges for customer cities shall be as follows:

Customer	Rate Per 1,000 Gallons
Dallas	\$2.58
Richardson	\$2.39
Rowlett	\$2.52
Sachse	\$2.59
Sunnyvale	\$2.60

These charges will be based on one hundred (100) percent of the metered volume of actual wastewater discharged into the City of Garland. These rates do not abrogate any provisions under existing contracts between the City of Garland and the individual customer cities, but are supplemental to said contracts.

And further, the wastewater treatment rates for the individual industrial subclasses are to be:

Customer	Rate Per 1,000 Gallons
Kraft Foods	\$ 9.46
Sherwin-Williams	\$ 4.57
General Dynamics	\$ 4.57
Raytheon	\$ 4.57
Baylor Medical Center	\$ 4.57
Carroll Company	\$12.11
Economics Lab	\$11.77
Valspar Chemical Corp.	\$ 4.57
Texas Precision	\$ 4.57
L3 Communications	\$ 4.57
Daisy Brand	\$21.94
Ona Polymers	\$17.36

This sewerage effluent will be based on eighty (80) percent of the water volume unless the customer has installed a City-approved flow-measuring device, in which case the total flow will be used.

A commercial-industrial surcharge will be applied if a user exceeds the quality loading data (weighted average biochemical oxygen demand (BOD) and weighted average total suspended solids (TSS)) used in the development of its user charge by fifty (50) percent. When this excess is encountered, a surcharge will be computed which will be the actual cost of additional treatment. This surcharge will be computed by the following formula:

$$S = ((V \times (BOD_A - BOD_R)) \times 0.0001041) + ((V \times (TSS_A - TSS_R)) \times 0.0000648)$$

Where:

S = Surcharge in dollars.

V = Monthly volume in thousand gallons for the period in which the surcharge is to be applied.

BOD_A = Actual BOD measurement in milligrams per liter for the period being sampled.

BOD_R = BOD measurement used to calculate original annual rate.

TSS_A = Actual TSS measurement in milligrams per liter for the period being sampled.

TSS_R = TSS measurement used to calculate the original annual rate.

In the event a customer places pretreatment equipment in the business process or for any other reason improves the quality of effluent, a review process may be requested by the industrial customer. To obtain this review, all of the following steps must be taken:

- (1) The customer must make a formal written request to the City Council through the City Secretary for this rate to be examined.
- (2) Formal assurances must be supplied that a change in the effluent due to sewerage pretreatment, product manufacturing change, or any other reason must be expected to remain in effect for at least twelve (12) months or until the next scheduled rate review and change.
- (3) The customer must agree that the cost of sampling by City staff (or an independent party at the City's election) to determine the new loading factors, plus the cost of two (2) more samples to be taken at the City's own discretion, will be prepaid by the customer. In the event the City elects not to take additional samples or if the next samples are part of the regularly scheduled sampling plan, the cost of the prepaid samples will be refunded by the City to the customer. The cost of samplings will be seventy-five dollars (\$75.00) each, for a total of two hundred twenty-five dollars (\$225.00).

The City shall have forty-five (45) days from the date the written request is received by the City Secretary to take action. This will be in the form of a resolution acted upon by the City Council. The effective date of the credit shall be the regular bill to the customer subsequent to the approved resolution by the Council. A rate credit may be in order to be approved by the City Council. The credit shall remain in effect until the next regular rate schedule has been put into effect by the City Council unless the user's effluent increases significantly, in which case the provisions set forth above concerning surcharges shall apply. Should the customer be deemed entitled to a rate reduction, the maximum amount of the reduction to be allowed would be the variable costs associated with the new effluent loadings. This credit will be computed in the same manner as the surcharge as defined above. The City Council may take any action it deems equitable with respect to the customer's rate, but until such action is taken, the customer's obligation to pay rates previously established shall not be relieved unless this subsection is amended by proper Council action.

Prior to the implementation of the proposed rates for each budget year, each customer will have the right to an administrative review of the cost allocations. Computer

calculations, work papers and sampling data shall be available for public review during normal business hours.

Nothing in this subsection shall be construed to supersede or abolish the industrial waste ordinance controlling allowable discharges (codified herein as section 22.140 et seq.) and associated penalties.”

SECTION 3

That Chapter 50, “Utility Rates and Fees,” of the Code of Ordinances of the City of Garland, Texas shall remain in full force and effect, save and except as amended by this Ordinance.

SECTION 4

That the terms and provisions of this Ordinance are severable and are governed by Section 10.06 of the Code of Ordinances of the City of Garland, Texas, as amended.

SECTION 5

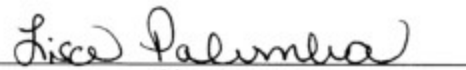
That this Ordinance shall become effective on October 1, 2013, save and except for Section 50.35 (H) of Section 2 of this Ordinance, which shall become effective on November 1, 2013.

PASSED AND APPROVED on this the 3rd day of September, 2013.

CITY OF GARLAND, TEXAS

By: 
Mayor

ATTEST:


City Secretary