

**ORDINANCE NO. 2020-09-16-2**

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TEXAS, ESTABLISHING THE MONTHLY WATER AND SEWER RATES FOR THE CITY; PROVIDING FOR SERVICE TAP FEES; ESTABLISHING PAYMENT PROCEDURES; ESTABLISHING SEWER RATE CALCULATIONS; REQUIRING A CONNECTION FEE; REPEALING ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PROPER NOTICE AND OPEN MEETING.**

**WHEREAS**, the City of Fayetteville (“City”), Texas is a Type A general law municipality; and

**WHEREAS**, Section 51.001 of the Texas Local Government Code authorizes the City to adopt an ordinance that the City Council of the City of Fayetteville (“City Council”) deems is for the good government, peace or order of the City; and

**WHEREAS**, Chapter 552 of the Texas Local Government Code authorizes the City to operate water and sewer utility systems and to regulate said systems in a manner that protects the interest of the City; and

**WHEREAS**, the City currently provides water and sewer service within a prescribed service area; and

**WHEREAS**, the City Council desires to amend the various fees charged for water and sewer service within the City; and

**WHEREAS**, the City Council finds revising the fees is for the good government of the City and protects the interest of the City in properly maintaining its water and sewer utility systems;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, TEXAS THAT:**

**I. Water and Sewer Rates**

MONTHLY WATER RATES – CUSTOMERS INSIDE CITY LIMITS

The monthly rates for water customers receiving services within the corporate limits of the City of Fayetteville, Texas shall be as follows:

Residential and Commercial

0-3000 gallons..... \$35.00

Each additional 1 – 1000 gallons over 3,000 gallons..... \$6.00

MONTHLY WATER RATES – CUSTOMERS OUTSIDE CITY LIMITS

The monthly rates for water customers receiving services outside of the corporate limits of the City of Fayetteville, Texas shall be as follows:

Residential and Commercial

0-3000 gallons..... \$40.00  
Each additional 1 – 1000 gallons over 3,000 gallons..... \$7.00

MONTHLY SEWER RATES

The monthly rates for sewer customers receiving services from the City of Fayetteville, Texas shall be as follows:

Residential and Commercial

Base monthly charge of \$30.00 per connection, plus an amount equal to the average water bill for the months of December, January, and February. The average water bill amount is adjusted each March to reflect this calculation. The new calculated sewer rate will be reflected on the bill due in April of each year.

**II. Service Taps**

The cost of installation of a service tap and meter necessary to provide the customer with service shall be the responsibility of the customer. The costs are as follows:

SERVICE TAP FEES

**Water tap fee on clean soil.....** \$1,500.00 for ¾” tap  
\$2,000.00 for 1” tap  
\$2,500.00 for 1 ½” tap  
\$3,000.00 for 2” tap

\$1,500.00 will be added for each additional one inch (1”) increment in service tap size larger than two inches (2”).

Additional charge per foot on improved areas.....\$100.00

**Sewer tap fee on clean soil.....** \$1,500.00 for 4” tap  
\$2,000.00 for 6” tap  
\$2,500.00 for 8” tap

Additional charge per foot on improved areas.....\$100.00

The cost of boring under streets is not included in the water and sewer tap fees shown above. Said cost will be calculated based on the permit drawings and customer is responsible for the full, actual cost of the boring in addition to the fees shown above.

### **III. Payment Procedure**

- A. *Payment due.*** Payments for City services are due by 5:00 p.m. of the tenth (10<sup>th</sup>) day of each month. If the tenth day of the month falls on a non-business day, the payment is due by 5:00 p.m. on the next business day.
  
- B. *Payments.*** Payment shall be made at:  
  
City of Fayetteville  
202 West Main Street  
Fayetteville, TX 78940
  
- C. *Late charge.*** If full payment is not received by the tenth (10<sup>th</sup>) day of the month (or the next business day if the tenth day of the month falls on a non-business day), a \$10.00 late charge will be assessed for that month's service.
  
- D. *Notice of delinquency.*** A notice will be sent on the fifteenth (15<sup>th</sup>) day of the month if full payment has not been received. The notice will state the amount owed and if the full amount is not paid, all City services will be considered delinquent and all City services will be disconnected on the twentieth (20<sup>th</sup>) day of the month.

### **IV. Connection Fee**

Before water or sewer service is connected and provided to a customer, a nonrefundable connection fee in the amount of \$100.00 for water and sewer service must be collected, a deposit receipt issued to the customer, and a work order issued for the service to be connected. The connection fee is required of every customer of the City.

### **V. Repealer Clause**

All orders, resolutions, ordinances, or parts of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

### **VI. Severability Clause**

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, such decision shall not effect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid, unenforceable, or unconstitutional.

## **VII. Effective Date**

This ordinance shall be effective immediately upon its passage and publication as required by law.

## **VIII. Proper Notice and Meeting**

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED AND APPROVED this 16<sup>th</sup> day of September, 2020.**

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Hon. Carl Marino, Mayor  
City of Fayetteville, Texas

**ATTEST:**

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Janice Wasut, City Secretary  
City of Fayetteville, Texas