

**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. 2018-02**

**WASTEWATER NEW SERVICE AMENDMENTS**

**AN ORDINANCE AMENDING CHAPTER 20, ARTICLE 20.02, DIVISION 6, SECTION 20.02.006(b)(2) OF THE DRIPPING SPRINGS CODE OF ORDINANCES; AMENDING THE GENERAL PROVISIONS RELATED TO CALCULATION OF VOLUME FOR NEW SEWER SERVICE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS,** the City of Dripping Springs owns and operates its municipal wastewater collection and treatment facilities (hereinafter, the “system”);

**WHEREAS,** the city has adopted ordinances regarding construction, operation extension and regulation of the system and system services;

**WHEREAS,** the bills for sewer service for existing customers is based on: (A) the metered water consumption by the customer during the winter season based upon the average of the monthly readings of the customer’s water meter for the preceding December, January, and February; (B) Projected water usage, if the customer has no water usage history; or (C) The minimum usage charge with no gallonage charge if the customer has applied for service and the service is available, but the customer has not physically connected to the system;

**WHEREAS,** currently if a residential customer does not have an acceptable history of water usage during the preceding December, January, and February, the residential customer’s monthly sewer bill is calculated based upon the customer’s current monthly water usage, or on the basis of 10,000 gallons water usage per month, whichever is less;

**WHEREAS,** the current system regarding residential customers that do not have an acceptable history of water usage is difficult to administer and has the potential for inconsistent application to different customers;

**WHEREAS,** the City uses 215 gallons of water per month from a single residential customer as the basis for planning its sewer operations;

**WHEREAS,** The City has determined that if a residential customer does not have an acceptable history of water usage during the preceding December, January, and February, then the appropriate charge to the residential customer should be based on the estimated use that that is the basis for the City’s planning of its sewer operations;

**WHEREAS,** the City Council finds that the amendments imposed by this Ordinance modify wastewater rates such that they are fair, just, and reasonable and so that the services are adequate and efficient; and

**WHEREAS,** the City Council finds that the amendments imposed by this Ordinance are characterized as reasonable, necessary, and proper for the good government of the City.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Dripping Springs, Texas:

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. ENACTMENT**

Chapter 20, Article 20, Division 6, Section 20.02.006(b)(2) of the City of Dripping Springs Code of Ordinances is hereby amended so to read in accordance with Attachment “A” which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on Attachment A.

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CODIFICATION**

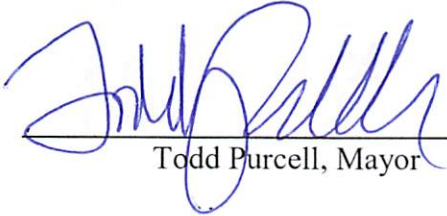
The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

**6. PROPER NOTICE & 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED** this, 22<sup>nd</sup> day of January 2018, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

  
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Todd Purcell, Mayor

**ATTEST:**

  
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Andrea Cunningham, City Secretary



**City of Dripping Springs**  
**CODE OF ORDINANCES**  
**CHAPTER 20: UTILITIES**  
**ARTICLE 20.02: SEWER SERVICE**  
**DIVISION 6. APPLICATION FOR SERVICE; RATES**  
**SECTION 20.02.06(b)(2). WASTEWATER SERVICE RATES.**

(2) If a residential customer does not have an acceptable history of water usage during the preceding December, January, and February, the projected water usage for purposes of Section 20.02.06(b)(1)(B) is 6,450 gallons per month. ~~the customer's monthly sewer bill shall be calculated based upon the customer's current monthly water usage, or on the basis of 10,000 gallons water usage per month, whichever is less.~~