

AN ORDINANCE AMENDING CHAPTER 30 WATER, SEWERS, AND SEWAGE DISPOSAL, ARTICLES III AND IV, OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, PROVIDING FOR MAINTENANCE OF SEWER SERVICE LINES AND AMENDING SEWER RATES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

WHEREAS, the City maintains city sewer mains for the benefit of the public; and

WHEREAS, the City desires to ensure proper functioning of the sewer system and adopt the maintenance responsibilities for sewer service lines; and

WHEREAS, sewer laterals between the main lines and the connection on private property are owned by individual property owners; and

WHEREAS, a portion of such sewer laterals are often within the public right of way; and

WHEREAS, the City wishes to provide for repairs and/or replacements as necessary for certain sewer laterals within the ROW; and

WHEREAS, the City will outsource the management of residential sewer lateral repairs and/or replacements within the ROW and finds that fifty cents (\$.50) per month per customer for the warranty protection is reasonable;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION 1: That Chapter 30 of the Code of Ordinances of the City of Killeen is hereby amended to read as follows:

Chapter 30

WATER, SEWERS AND SEWAGE DISPOSAL

ARTICLE III. SEWERS AND SEWAGE DISPOSAL

DIVISION 2. – PURPOSES, POLICY, AND PROHIBITED DISCHARGE

Sec. 30-~~71~~70. - Purposes and policy.

- (a) Divisions 2, 3, 4 and 5 of this article set forth uniform requirements for users of the City of Killeen's wastewater system and enable the city to comply with applicable local, state and federal laws and regulations.
- (b) The purposes of divisions 2, 3, 4 and 5 of this article and the policy of the city are to:
 - (1) Prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system, including interference with its use or disposal of the resulting sludge;
 - (2) Prevent the introduction of pollutants into the wastewater system which will pass through the system, inadequately treated, into receiving waters, the atmosphere or otherwise be incompatible with the system;
 - (3) Improve the opportunity to recycle and reclaim wastewaters and sludge from the wastewater system;
 - (4) Provide for equitable distribution of the cost of operating and maintaining the wastewater system; and
 - (5) Protect the general health, safety and welfare of the public and wastewater system personnel.
- (c) Divisions 2, 3, 4 and 5 of this article provide for the regulation of users' discharges into the city's wastewater system by providing: general and specific prohibitions; the issuance of permits to certain nonresidential users and the enforcement of general and specific requirements for all users; the assessment of fees and surcharges; monitoring and enforcement regulations; and requiring user reporting.
- (d) All discharges into the wastewater system shall conform to the requirements of divisions 2, 3, 4 and 5 of this article. If there is a conflict between divisions 2, 3, 4 or 5 of this article and any other provision of this Code or state or federal law, the most restrictive provision shall apply.

Sec. 30-~~72~~71. - Definitions.

- (a) The following words, terms and phrases, when used in divisions 2, 3, 4 or 5 of this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sewage means a combination of the water-carried wastes from residences, commercial buildings, institutions, and industrial establishments, ~~together with such~~ and does not include ground, surface and stormwaters ~~as may be present~~.

Sec. 30-72. – Maintenance of Sewer Service Lines

- a) Property Owners: Single family, two family, three unit, and four unit residential property owners shall maintain the sewer service line from the building located on the owner's property to the sewer main, except for any portion that is located within the public right-of-way excluding utility and drainage easements. All other property owners shall maintain the sewer service line from the building located on the owner's property to the sewer main, including portions located within the right-of-way.
- b) City: For single family, two family, three unit, and four unit residential properties, the City shall maintain the sewer service line within the public right-of-way excluding utility and drainage easements.

ARTICLE IV. RATES AND CHARGES

DIVISION 2. – RATES

SUBDIVISION C. – Sewer Rates

Sec. 30-151. - Rates.

- (a) The wastewater use rates for all ~~residential~~ users shall be based on and calculated by the water meter consumption less three thousand (3,000) gallons minimum times the appropriate return flow factor times the cost for each unit of discharge plus the minimum charge shown below for each account category. A flat rate of eighteen dollars and seventy-six cents (\$18.76) shall be charged each account as a minimum charge for the first three thousand (3,000) gallons, with a charge of three dollars and eighty cents (\$3.80) for each one thousand gallon unit of discharge thereafter. (Example: Commercial account: Usage 10,000 gallons minus 3,000 gallons = 7,000 gallons; 7,000 gallons x 90% flow factor = 6,300 gallons; 6,300 gallons x 3.80 per 1,000 gallons = \$23.95 + \$19.15 (minimum charge) = \$43.10 (total charge).

The wastewater rate shall be per one thousand (1,000) gallons and the minimum monthly fee:

(1) Rate for single-family residential. Nineteen dollars and twenty-six cents (\$19.26) minimum charge for the first three thousand (3,000) gallons, plus three dollars and eighty cents (\$3.80) per one thousand (1,000) gallons thereafter, not to exceed ten thousand (10,000) gallons.

(2) Rate for two-family and multifamily (three and four unit) residential. Nineteen dollars and sixty-five cents (\$19.65) minimum charge for the first three thousand (3,000) gallons, plus three dollars and eighty cents (\$3.80) per one thousand (1,000) gallons in excess of minimum thereafter.

(3) Rate for commercial and apartment customers. Nineteen dollars and fifteen cents (\$19.15) minimum charge for the first three thousand (3,000) gallons, plus three dollars and eighty cents (\$3.80) per one thousand (1,000) gallons in excess of minimum.

(3) Rates for motels. Nineteen dollars and fifteen cents (\$19.15) minimum charge for the first three thousand (3,000) gallons, plus three dollars and eighty cents (\$3.80) per one thousand (1,000) gallons in excess of minimum thereafter.

(4) Rate for mobile home parks. Nineteen dollars and sixty-five cents (\$19.65) per unit minimum charge for the first three thousand (3,000) gallons per unit, plus three dollars and eighty cents (\$3.80) per one thousand (1,000) gallons in excess of minimum, not to exceed ten thousand (10,000) gallons per unit.

~~(b) The wastewater use rates for all commercial, small apartment and apartment users shall be based on and calculated by the water meter consumption less three thousand (3,000) gallons minimum times the appropriate return flow factor times the cost for each unit of discharge plus the minimum charge. A flat rate of nineteen dollars and fifteen cents (\$19.15) shall be charged each account as a minimum charge for the first three thousand (3,000) gallons, with a charge of three dollars and eighty cents (\$3.80) for each one thousand gallon unit of discharge thereafter. (Example: Commercial account: Usage 10,000 gallons minus 3,000 gallons = 7,000 gallons; 7,000 gallons x 90% flow factor = 6,300 gallons; 6,300 gallons x 3.80 per 1,000 gallons = \$23.95 + \$19.15 (minimum charge) = \$43.10 (total charge).~~

~~(c)~~ The following return flow factors will be applied for each class of sewer customer:

- (1) Residential 100%
- (2) Commercial 90%
- (3) Outside city residential 200%
- (4) Apartments, motels, etc. 90%
- (5) Laundries and car wash 90%
- (6) Industrial 90%
- (7) Mobile home parks 100%
- (8) Outside city commercial 180%

~~(d)~~ The return flow in gallons is determined by multiplying the water meter consumption, less three thousand (3,000) gallons minimum, times the return flow factor for each specific classification (i.e., usage

10,000 gallons minus 3,000 gallons minimum = 7,000 gallons; 7,000 gallons x 90% flow factor = 6,300 gallons).

- (1) *Residential*. One hundred (100) percent of metered water up to ten thousand (10,000) gallons per month.
- (2) *Commercial*. Ninety (90) percent of metered water.
- (3) *Outside city residential*. Two hundred (200) percent of metered water up to ten thousand (10,000) gallons per month.
- (4) *Apartments, motels, etc.* Ninety (90) percent of metered water.
- (5) *Laundries and car wash*. Ninety (90) percent of metered water.
- (6) *Industrial*. Ninety (90) percent of metered water.
- (7) *Mobile home parks*. One hundred (100) percent of metered water up to ten thousand (10,000) gallons per unit.
- (8) *Outside city commercial*. One hundred eighty (180) percent of metered waver.

~~(e) The wastewater rate shall be per one thousand (1,000) gallons and the minimum monthly fee:~~

~~(1) Rate for single-family residential. Eighteen dollars and seventy-six cents (\$18.76) minimum charge for the first three thousand (3,000) gallons, plus three dollars and eighty cents (\$3.80) per one thousand (1,000) gallons thereafter, not to exceed ten thousand (10,000) gallons.~~

~~(2) Rate for commercial customers. Nineteen dollars and fifteen cents (\$19.15) minimum charge for the first three thousand (3,000) gallons, plus three dollars and eighty cents (\$3.80) per one thousand (1,000) gallons in excess of minimum.~~

~~(3) Rates for motels, two-family and multifamily residential. Nineteen dollars and fifteen cents (\$19.15) minimum charge for the first three thousand (3,000) gallons, plus three dollars and eighty cents (\$3.80) per one thousand (1,000) gallons in excess of minimum thereafter.~~

~~(4) Rate for mobile home parks. Nineteen dollars and fifteen cents (\$19.15) per unit minimum charge for the first three thousand (3,000) gallons per unit, plus three dollars and eighty cents (\$3.80) per one thousand (1,000) gallons in excess of minimum, not to exceed ten thousand (10,000) gallons per unit.~~

~~(d) A seventy-five dollar (\$75.00) fee will be assessed per call-out if a leak/blockage is determined to be on the private sewer service lateral or portion thereof that is not maintained by the City.~~

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or

impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective on May 1st, 2019.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 26th day of March, 2019, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

JOSE L. SEGARRA, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lucy C. Aldrich, CITY SECRETARY

Kathryn H. Davis, CITY ATTORNEY