

**ORDINANCE 2010 - 5
AMENDING ORDINANCE NO. 2006-10**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CUMBY, TEXAS, ESTABLISHING RATES FOR DOMESTIC WATER AND SEWER UTILITY SERVICE; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING AN EMERGENCY CLAUSE; PROVIDING FOR CERTAIN MANDATORY SERVICES; AND PROVIDING FOR THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT ON AND AFTER THE 14TH DAY OF JUNE , 2010.

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

SECTION 1: Water rates charged by the City shall be charged on a monthly basis for water provided to all domestic customers as follows:

- a). Customers within the corporate limits of the City:
 - 1). 0,001 – 2,000 gallons: \$17.00
 - 2). 2,001 – 5,000 gallons: \$3.35 per 1,000 gallons or part thereof.
 - 3). 5,001 – 10,000 gallons: \$3.75 per 1,000 gallons or part thereof.
 - 4). 10,001 gallons & over: \$4.80 per 1,000 gallons or part thereof.

- b). Customers outside the corporate limits of the City:
 - 1). 0,001 – 2,000 gallons: \$25.00
 - 2). 2,001 – 5,000 gallons: \$3.60 per 1,000 gallons or part thereof.
 - 3). 5,001 – 10,000 gallons: \$3.98 per 1,000 gallons or part thereof.
 - 4). 10,001 gallons & over: \$5.05 per 1,000 gallons or part thereof.

- c). Water Meter Deposit
 - 1). Property Owners Res. \$100.00
 - 2). Renters or Leased Res. \$150.00
 - 3). All Commercial \$200.00

SECTION 2: The sewer rates for domestic customers within the corporate limits of the City shall be as follows:

A) From October 1 through March 31 rates will be assessed as follows:

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|----|-----------------------|------------------------|
| 1) | 2,000 – 5,000 gallons | \$15.50 |
| 2) | 5,001 | \$ 2.00 per 1,000 GAL. |

B) From April 1 through September 30 rates will be prorated to reflect the average usage. Using the following formula:

The total usage for the 6 month period October 1 through March 31 will be averaged and this amount will be assessed for the six (6) month period of April 1 through September 30.

SECTION 3: The City shall charge the sum of \$12.00 per month to all customers domestic, and the sum of \$30.00 for commercial customers subscribing to trash collection within the corporate limits of the City, and the sum of \$14.50 per month to all customers subscribing to trash collection outside the corporate limits of the City. It is mandatory for all customers that uses any City services such as water and/or sewer to subscribe to trash collection.

SECTION 4: The following fees shall be charged for water service (tap fee):

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|-----|--------------|------------|
| a). | Residential: | \$1,000.00 |
| b). | Commercial: | \$1,000.00 |

The sum of \$750.00 shall be charged to all customers, residential and commercial, for sewer service (sewer tap fee).

SECTION 5: If any person and/or entity purchases and/or uses any City of Cumby, Texas services provided by the City of Cumby and/or an agent or contractor of the City of Cumby, Texas, that person and/or entity shall pay for any and all City of Cumby, Texas services provided by the City of Cumby, Texas and/or an agent or contractor of the City of Cumby, Texas, except that if any person and/or entity does not purchase and/or use City of Cumby, Texas sewer services, but instead uses another means of sewage disposal accepted by the City of Cumby, Texas, that person and/or entity does not have to pay for City of Cumby, Texas sewage services provided for by the City of Cumby, Texas and/or an agent or contractor of the City of Cumby, Texas.

SECTION 6: This ordinance shall supersede any prior ordinance in conflict herewith, and such prior conflicting ordinance or parts thereof are hereby repealed to the extent that they conflict with this ordinance.


SECTION 7: Should any section, subsection, sentence, cause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided

that any and all remaining portions of this Ordinance shall remain in full force and effect. Cumby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 8: Whereas an emergency is apparent for the immediate preservation of order, health, safety, and general welfare of the public, all rules and regulations requiring the reading or Ordinances more than one time on more than one occasion are hereby suspended.


SECTION 9: This Ordinance shall be in full force and effect from and after the 14TH day of JUNE, 2010.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2010.



Mayor
City of Cumby, Texas

ATTEST:



City Secretary