

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, AMENDING ORDINANCE NO. 06-11-119 (COMPREHENSIVE FEE ORDINANCE), SECTION 3 (WATER SERVICE CHARGES), SECTION 4 (SANITARY SEWER CHARGES), SECTION 9 (BILLINGS AND ADJUSTMENTS FOR WATER, SANITARY SEWER AND SOLID WASTE COLLECTION SERVICES), SECTION 14 (FEES FOR REQUESTS UNDER THE TEXAS PUBLIC INFORMATION ACT); AMENDING ORDINANCE NOS. 13-09-61, 14-12-77 AND 15-09-73; MODIFYING CERTAIN FEES AND CHARGES FOR RESIDENTIAL AND COMMERCIAL WATER SERVICE, SANITARY SEWER SERVICE, UTILITY DEPOSITS AND RESPONDING TO REQUESTS UNDER THE PUBLIC INFORMATION ACT; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("Frisco" or "City") to modify various fees and charges that may be assessed and collected by Frisco by amending Frisco's Comprehensive Fee Ordinance, Ordinance No. 06-11-119, as amended ("Comprehensive Fee Ordinance"), and Ordinance Nos. 13-09-61, 14-12-77 and 15-09-73, as set forth below; and

WHEREAS, Frisco has complied with all procedural and legal requirements to amend the Comprehensive Fee Ordinance and Ordinance Nos. 13-09-61, 14-12-77 and 15-09-73.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Section 3 (Water Service Charges) and Section 4 (Sanitary Sewer Charges) of the Comprehensive Fee Ordinance, Section 2 of Ordinance No. 14-12-77 and Section 2 of Ordinance No. 15-09-73. Section 3 (Water Service Charges) and Section 4 (Sanitary Sewer Charges) of the Comprehensive Fee Ordinance, Section 2 of Ordinance No. 14-12-77 and Section 2 of Ordinance No. 15-09-73 are hereby amended as follows:

"SECTION 3: Water Service Charges. There shall be charged and collected each month by the City from the consumers of water service the amount of money hereinafter set out, based on the following rates:

A. Residential Service Fees:

Residential Meters	Monthly Cost
Minimum bill includes 2,000 gallons	\$17.17
2,001 to 15,000 gallons	\$3.73/ per thousand*
15,001 to 25,000 gallons	\$4.34/per thousand*
25,001 to 40,000 gallons	\$4.64/per thousand*
40,001 to 80,000 gallons	\$5.38/per thousand*
80,001 gallons and above	\$6.46/per thousand*

*Note: Cost per thousand gallons of water or fraction thereof.

- B. Commercial Service Fees:** The minimum monthly charge shall be based on the meter size and shall be billed at the following rates which include the cost of 2,000 gallons of water:

Meter Size	Monthly Charge Includes 2,000 Gallons	Cost Per Thousand Gallons* Over 2,000 Gallons
¾" standard	\$ 18.73	\$3.85
1"	\$ 27.81	\$3.85
1½"	\$ 55.69	\$3.85
2"	\$ 88.57	\$3.85
3"	\$164.51	\$3.85
4"	\$253.09	\$3.85
6"	\$531.52	\$3.85

*Note: Cost per thousand gallons of water or fraction thereof.

- C.** For multi-family units on master meters, a minimum of \$17.17 per unit will be charged, with \$3.73 per thousand gallons for each thousand gallons of water or fraction thereof used above the total number of units multiplied by 2,000 gallons.

- D. Outside City limit rate for all rate classes shall be multiplied by a factor of 1.5 for both the minimum monthly meter service and the rate for larger consumption.
- E. **Commercial Irrigation Meters:** The minimum monthly charge shall be based on the meter size and shall be billed at the following rates which include the cost of 2,000 gallons of water:

Meter Size	Monthly Charge Includes 2,000 Gallons	Cost Per 2,001 - 40,000 Gallons*	Cost Per Thousand Gallons* Over 40,000 Gallons
¾" standard	\$ 18.73	\$3.85	\$5.38
1"	\$ 27.81	\$3.85	\$5.38
1½"	\$ 55.69	\$3.85	\$5.38
2"	\$ 88.57	\$3.85	\$5.38
3"	\$164.51	\$3.85	\$5.38
4"	\$253.09	\$3.85	\$5.38
6"	\$531.52	\$3.85	\$5.38

*Note: Cost per thousand gallons of water or fraction thereof.

SECTION 4: Sanitary Sewer Charges. There shall be charged and collected each month by City for sanitary sewer service the amount of money hereinafter set out based on the following rates:

- A. The minimum monthly sewer charge shall be \$23.34 for any single-family residential unit whose water consumption for the month does not exceed 2,000 gallons. The minimum monthly sewer charge shall be \$41.28 for commercial and industrial users whose water consumption for the month does not exceed 2,000 gallons.
- B. For each consumer whose water consumption in any month exceeds 2,000 gallons, the monthly sewer rate shall be \$4.92 per thousand gallons of

water or fraction thereof. The charge for single-family residential sewer service shall be determined by averaging the billed consumption for three of the following four months December, January, February and March (removing the month with the highest consumption) and applying the applicable rates.

- C. For each consumer whose average water consumption during the three (3) billed months of December, January, February and March (removing the month with the highest consumption) exceeds 2,000 gallons, the monthly sewer rate shall be \$4.92 per thousand gallons of water or fraction thereof; provided, however, that in no event shall single-family residential sewer service exceed the winter average on a monthly basis.
- D. New customer accounts for which average water consumption has not been established will be billed for sewer service based on actual water usage and applying the applicable rates; provided, however, that in no event shall single-family residential sewer service exceed the cap of 6,000 gallons.
- E. Residential customers on master meters shall pay a minimum of \$23.34 per unit per month plus \$4.92 per thousand gallons of water or fraction thereof for all consumption above the total number of units multiplied by 2,000 gallons. This provision applies to mobile home parks, apartment units and the like.
- F. Commercial and industrial customers on master meters shall pay a minimum of \$41.28 per unit per month and \$4.92 per thousand gallons of water or fraction thereof for all consumption above the total number of units multiplied by 2,000 gallons.
- G. Industrial users in the City pretreatment program shall be charged \$0.20 per thousand gallons of water or fraction thereof in addition to the regular charges.
- H. All mobile home parks, apartment complexes and commercial and industrial sewer customers shall be billed monthly on their total volume of water consumption. Water used in a direct manufacturing process or for irrigation purposes can only be exempted upon request of and written approval by City.”

SECTION 3: Amendment to Section 9 (Billings and Adjustments for Water, Sanitary Sewer and Solid Waste Collection Services) of the Comprehensive Fee Ordinance. Section 9 (Billings and Adjustments for Water, Sanitary Sewer and Solid Waste Collection Services) of the Comprehensive Fee Ordinance is hereby amended as follows:

“SECTION 9: Billings and Adjustments for Water, Sanitary Sewer and Solid Waste Collection Services. The water and sanitary sewer utilities shall be operated on meters, to be in accordance with contractual agreements and bond indentures.

...

- H. A fee of \$20.00 shall apply to customers requesting transfers of water service to a new address.

...”

SECTION 4: Amendment to Section 10 (Deposits and Administrative Fee) of the Comprehensive Fee Ordinance and Section 2 of Ordinance No. 13-09-61. Section 10 (Deposits and Administrative Fee) of the Comprehensive Fee Ordinance and Section 2 of Ordinance No. 13-09-61 are hereby amended as follows:

“SECTION 10: Deposits and Administrative Fee. Before any customer, except as provided below, may obtain services from the utility system, said customer must have paid the \$25.00 New Account Administrative Fee, and have a deposit on hand with City. A new same-day connection fee shall be paid in the amount of \$25.00.

- A. The deposit for all residential customers shall be \$125.00.

...”

SECTION 5: Amendment to Section 14 (Fees for Requests under the Texas Public Information Act) of the Comprehensive Fee Ordinance. Section 14 (Fees for Requests under the Texas Public Information Act) of the Comprehensive Fee Ordinance is hereby amended as follows:

“SECTION 14: Fees for Requests under the Texas Public Information Act. To the extent allowed by law, the City shall recover the full costs of responding to requests for disclosure of public information made pursuant to the Texas Public Information Act except when the Public Information Officer or his/her designee determines that waiver or reduction of applicable fees is in the public interest because furnishing the information primarily benefits the general public. The Public Information Officer or his/her designee shall impose charges in responding to requests under the Texas Public Information Act in accordance with the then-current guidelines and rates established by the Office of the Texas Attorney General, which are set forth at Title 1, Part 3, Chapter 70, Rule 70.1 *et seq.* of the Texas Administrative Code, as amended. Such guidelines and rates shall be posted on the City’s website, and a copy of such guidelines and rates shall be made available for public inspection at the City Secretary’s Office.”

SECTION 6: Penalty. Any person, firm, corporation or business entity violating this Ordinance, the Comprehensive Fee Ordinance or Ordinance Nos. 13-09-61, 14-12-77 and 15-09-73, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00), unless the violation relates to fire safety, zoning or public health and sanitation, in which case the fine shall not exceed TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation under violating this Ordinance, the Comprehensive Fee Ordinance or Ordinance Nos. 13-09-61, 14-12-77 and 15-09-73, as they exist or may be amended, shall constitute a separate offense. The penal provisions imposed under violating this Ordinance, the Comprehensive Fee Ordinance and Ordinance Nos. 13-09-61, 14-12-77 and 15-09-73, as they exist or may be amended, shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 7: Savings/Repealing. The Comprehensive Fee Ordinance and Ordinance Nos. 13-09-61, 14-12-77 and 15-09-73 shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 9: Effective Date. This Ordinance shall become effective from and after its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on this 20th day of September, 2016.



Maher Maso, Mayor

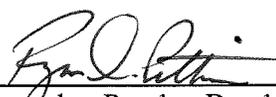
**ATTESTED AND
CORRECTLY RECORDED:**



Jenny Page, City Secretary



APPROVED AS TO FORM:



Abernathy, Roeder, Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

Dates of Publication: September 23 & 30, 2016, *Frisco Enterprise*