

ORDINANCE NO. 16-J

AN ORDINANCE AMENDING CHAPTER 28, COMPREHENSIVE FEE ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS FOR THE PURPOSE OF REVISING VARIOUS FEES INCLUDING CERTAIN ALVIN CONVENTION AND VISITORS BUREAU RENTAL FEES FOR THE ALVIN DEPOT CENTRE; EMERGENCY MEDICAL SERVICES FEES; SENIOR CENTER RENTAL FEES; STREETS AND RIGHTS-OF-WAY DRIVEWAY AND CULVERT PERMIT FEES; WATER AND SEWER FEES FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS; PROVIDING FOR A TEN PERCENT (10%) PENALTY FOR LATE PAYMENT; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN:

Section 1. That Section 28-2 of the Code of Ordinances of the City of Alvin, Texas is hereby amended by revising certain fees for the Alvin Convention and Visitors Bureau Alvin Depot Centre rental fees; Emergency Medical Services Fees; Senior Center Rental fees; Streets and Rights-of-Way Driveway and Culvert Permit Fees; and various water and sewer fees for residential and commercial customers as follows:

“Sec. 28-2. In General.

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ALVIN CONVENTION AND VISITORS BUREAU

Alvin Depot Centre:

Rental deposit fee	\$150.00
Rental fees:	
Monday—Thursday for four (4) hours (four-hour minimum)	\$275.00
Each additional hour	\$ 75.00
Friday—Sunday for four (4) hours (four-hour minimum)	\$375.00
Each additional hour	\$ 75.00
Hourly rentals	\$100.00 per hour
(One-hour minimum)	

The director of the Alvin Convention and Visitor’s Bureau may waive rental fees for non-profit 501(c)(3) organizations with approval by the city manager.

The director of the Alvin Convention and Visitor's Bureau may donate up to five (5) – four (4) hour rentals as auction items to community groups each fiscal year up to a maximum of twenty (20) hours.

The director of the Alvin Convention and Visitor's Bureau may also negotiate fees based on economic impact using guidelines from the Hotel-Motel Lodging Association criteria and requires approval by the city manager.

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EMERGENCY MEDICAL SERVICES

- (1) Emergency ambulance transport:
 - (a) Resident, per transport: Reasonable and customary charges
 - (b) Nonresident, per transport: Reasonable and customary charges

- (2) Voluntary and elective contribution for emergency medical service:
 - (a) Resident, per month for each individual\$7.00
Or per year (annual lump sum payment).....\$84.00
 - (b) Nonresident, per year\$168.00

 - (c) Apartment complex or mobile home park serviced by a master meter
Per each occupied unit\$5.00

 - (d) Commercial business\$10.00

- (3) Disposable supplies: Reasonable and customary charges

- (4) Mileage fee for emergency ambulance transport (residents and nonresidents),
per mile: Reasonable and customary charges

- (5) Nontransport fee: Reasonable and customary charges

- (6) Transport ambulance permit:
 - (a) Initial and renewal application fee\$200.00
 - (b) Annual inspection fee for each transport ambulance\$ 50.00

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SENIOR CITIZEN CENTER

Rental of West Side Assembly Room: (West Occupancy 229)

Refundable Deposit - Clean-up/Damage Deposit \$ 100.00

Assembly Room (Business Hours*)	<u>Per/Hr.</u>
Resident/Resident Group	70.00
Nonresident/Nonresident Group	80.00
Assembly Room (After Business Hours)	
Resident/Resident Group	80.00
Nonresident/Nonresident Group	90.00
Rental of East Side with Kitchen: (Occupancy 80)	
Refundable Deposit - Clean-up/Damage Deposit	\$100.00
Assembly Room (Business Hours)	<u>Per/Hr.</u>
Resident/Resident Group	50.00
Nonresident/Nonresident Group	60.00
Assembly Room (After Business Hours)	
Resident/Resident Group	60.00
Nonresident/Nonresident Group	70.00
Rental of East Side Exercise Room (Occupancy 150)	<u>Per/Hr.</u>
Assembly Room (Business Hours)	
Resident Group	\$40.00
Nonresident/Nonresident Group	\$50.00
Assembly Room (After Business Hours)	
Resident Group	\$50.00
Nonresident/Nonresident Group	\$60.00
Rental East and West Side Rooms: (Occupancy 309)	
Refundable Deposit - Clean-up/Damage Deposit	\$400.00
Assembly Room (Business Hours*)	<u>Per/Hr</u>
Resident/Resident Group	\$90.00
Nonresident/Nonresident Group	\$95.00
Assembly Room (After Business Hours)	
Resident/ Resident Group	\$100.00
Nonresident/ Nonresident Group	\$105.00
Rental of Craft Room or Board Room: (Occupancy 25 ea. Room)	
Refundable Deposit – Clean-up/ Damage Deposit	\$100.00
Resident/ Resident Group	<u>Per/Hr</u> \$35.00
Nonresident/ Nonresident Group	\$45.00

Rental for Non-Profit Organizations/501C-3

Deposit is Waived

Resident/ Non Resident Group \$45.00

Cancellation

Cancellation fee within two weeks \$75.00

Refund Processing Fee \$25.00

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STREETS AND RIGHTS-OF-WAY

(1) Permit fee for construction, replacement or installation of facilities in public rights-of-way \$50.00 plus \$0.10 per linear foot of the facility

(2) Driveway and culvert permits \$75.00

(3) Rental fee (electric and gas utilities) 2% of the gross receipts received from business conducted in the city limits

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WATER AND SEWER

The water and sewer inspection fees and deposits as required under Chapter 28-2, Water and Sewer, Section 2(1)–(4) shall be waived for the subject properties for the property owners as of May 6, 2004. The subject properties are those with existing structures that have road frontage served by utilities from the East Highway 6 Water and Sewer Improvements Project Phase I and Phase II and the West Highway 6 Water and sewer Improvements Project Phase I and Phase II. This waiver also applies to the properties that were disannexed and agree to voluntary annexation on or before December 31, 2004.

(1) Water meter(s) Actual cost plus 15%

(2) Water and sewer deposits:

(a) Single-family residences and multifamily dwellings with individually metered units— \$100.00 per residence or unit.

(b) *Commercial properties with prior accounts*—An amount equal to twice the average monthly service charge calculated based on the preceding calendar year for the property.

(c) *New commercial properties (no prior accounts)*—An amount equal to twice the average monthly service charge for properties within the same class, calculated based on the preceding calendar year for property within the same class (in cases involving

multifamily dwellings the property used for calculation purposes shall be that with the closest number of units to the new multifamily dwelling).

In cases where a new commercial property does not fit within any particular class, then the city shall use available comparative data to identify the class of property which the new commercial property most closely resembles and such class of property shall be used as a basis in determining the deposit amount.

Persons who require temporary service for a period no longer than ten days in order to repair or clean property for rental purposes may pay a nonrefundable deposit of \$25.00 to receive service if the person has had no more than one delinquent payment within the preceding 12-month period. Otherwise, the person shall be required to pay the deposit amount established in above.

In addition to the utility deposit required above, a request for temporary service for a fire hydrant meter shall require a \$1,400.00 deposit to cover the costs of the meter and the fittings and a \$100 non-refundable deposit to cover costs of utility service. The \$1,400.00 deposit will be forfeited to the city if the meter and/or fittings are not returned or not returned in good condition after the project is complete. The person utilizing a fire hydrant meter must provide the city with a list of the locations where and time periods in which the meter is proposed to be used. The meter must be made available at prearranged locations for monthly readings. Failure to comply with the monthly reading schedule shall entitle the city to take back the meter and discontinue the person's use of the meter. Additionally, the city may apply all or part of the utility deposit to the payment of a delinquent utility bill. In such cases the amount shall be determined by the preceding month's usage.

Rental of fire hydrants, per month	\$100.00
Handling fee fire hydrant meters	\$100.00

(3) Water and wastewater tap inspection fee\$50.00

(4) Water and wastewater reinspection fee, per occurrence\$25.00

(5) Water main taps made on water mains located within state highway rights-of-way:

The water tap inspection and street cut fees shall apply. In addition, the city shall obtain the permit(s) necessary for the construction of the casing required within the state highway rights-of-way and shall cause the construction to be done. A proportionate share of the actual costs incurred by the city for state-imposed casing requirements shall be allocated as set forth herein. The city shall construct a three-inch casing for water taps within the state right-of-way which shall be extended to the common property line between two adjacent properties. Each property owner or occupant of the adjacent properties (other than vacant property) then shall be responsible for paying one-third of the actual costs for such three-inch casing. The city shall bear the remaining one-third share of the costs, except in cases where one of the adjacent properties is vacant, in which case the city shall bear two-thirds of the actual costs. Actual costs shall include contractor, material and any other related costs. In cases where a property owner or occupant of property desires a tap size

which would require a casing larger than the three-inch casing provided by the city (taking into account the standard tap size of the adjacent property), then such property owner or occupant, in addition to the one-third shared cost, shall be responsible for the total amount of the difference between the actual costs of a three-inch casing and the actual costs of the larger casing size. Such property owner or occupant may share the additional cost of the larger casing with the adjacent property owner or occupant if that property owner or occupant agrees with the larger casing size. If neither of the adjacent property owners or occupants desires a three-inch casing and cannot agree on a larger casing size, then a water tap may be extended to each individual property and in such cases each property owner or occupant shall be responsible for the total amount of the costs associated with the state-imposed casing requirements. The city shall retain responsibility solely for construction of the state-imposed casing.

(6) Inspection of street cut (water and wastewater) - Included in water tap inspection fee

(7) Reinspection of street cut (water and wastewater), per occurrence..... \$25.00

(8) Wastewater and main taps made on wastewater mains located within state highway rights-of-way:

The wastewater tap inspection and street cut fees shall apply. In addition, the city shall obtain the permit(s) necessary for the construction of the casing required within state highway rights-of-way and shall cause the construction to be done. A proportionate share of the actual costs incurred by the city for state-imposed casing requirements shall be allocated as set forth herein. The city shall construct a ten-inch casing for sewer taps within the state right-of-way which shall be extended to the common property line between two adjacent properties. Each property owner or occupant of the adjacent properties (other than vacant property) then shall be responsible for paying one-third of the actual costs for such ten-inch casing. The city shall bear the remaining one-third share of the costs, except in cases where one of the adjacent properties is vacant, in which case the city shall bear two-thirds of actual costs. In cases where a property owner or occupant of property desires a tap size which would require a casing larger than the ten-inch casing provided by the city (taking into account the standard tap size of the adjacent property), then such property owner or occupant, in addition to the one-third shared cost, shall be responsible for the total amount of the difference between the actual costs of a ten-inch casing and the actual costs of the larger casing size. Such property owner or occupant may share the additional cost of the larger casing with the adjacent property owner or occupant if that property owner or occupant agrees with the larger casing size. If neither of the adjacent property owners or occupants desires a ten-inch casing and cannot agree on a larger casing size, then a sewer tap may be extended to each individual property and in such cases each property owner or occupant shall be responsible for the total amount of the costs associated with the state-imposed casing requirements. The city shall retain responsibility solely for construction of the state-imposed casing requirements.

(9) Water rates (monthly charges):

Inside the city limits:

For the first increment of water usage up to and including 2,000 gallons, minimum rate:

(a) For residential and multi-family users \$11.30

(c) For commercial users\$11.86

For the second increment of water usage from 2,001 - 7,000 gallons of water,
per 1,000 gallons\$2.89

For the third increment of water usage from 7,001 gallons and above,
per 1,000 gallons\$4.41

Outside the city limits:

One and one-half times the charge applied inside the city limits for the same water usage.

Malfunctioning water meter that fails to register consumption - Average daily consumption as shown when meter operating properly.

Brazoria County Groundwater Conservation District user fee:

For the first increment of water usage up to and including 2,000 gallons,
minimum rate\$0.08

For the second increment of water usage, from 2,001 gallons of water,
per 1,000 gallons\$0.04

TCEQ (Texas Commission on Environmental Quality) user fee:\$0.50

(10) Sewer rates (monthly charges):

Inside the city limits (for residents with water and sewer service):

For the first increment of water usage up to and including 2,000 gallons of water,
minimum rate:

(a) For residential and multi-family users\$17.52

(b) For commercial users\$18.03

For the additional incremental water usage in excess of 2,000 gallons,
per 1,000 gallons\$2.89

Inside the city limits (for residents with city sewer service only):

Monthly charge\$40.69

Unless determined by the director of public works that the usage would greatly exceed that normally used by a standard commercial business or residence. In that case, an appropriate charge shall be determined by the director of public works on the basis of a comparable use in the city.

Outside the city limits:

One and one-half times the charge applied inside the city limits for the same usage.

(11) Winter averaging:

From and after the first billing cycle in June, 1999, the city shall utilize a winter averaging methodology to determine water consumption in connection with single-family residential sewer rates. The city shall average the consumer's water usage for the billing periods in the months of December, January and February to determine the amount of (number of gallons) of water usage. That average shall constitute the water usage for purposes of billing for single-family residential sewer rates. The winter average for consumers who have no account history during the preceding December, January and February months will be based on 5,600 gallons of water usage. Such amount constitutes the average of water usage for single-family residential consumers for such winter months. Commencing with the first billing cycle in June, 1999, and up until the first billing cycle in April, 2000, the city shall use the winter average of water usage for the billing periods in December, 1998, and January and February, 1999. Thereafter, with and from the first billing cycles in April, 2000, the city shall use the average of water usage for the immediately preceding December, January and February months. Such average shall be used for all the billing cycles for single-family residential sewer rates until the first billing cycle of the following April.

(12) Basis for billing multifamily complexes:

(a) All multifamily complexes, including apartment complexes and mobile home parks, shall be charged a minimum two thousand (2,000) gallons consumption for water and sewer service for each occupied apartment or mobile home served within the complex or park. If a master meter is used to provide service to the apartment complex or park, then the billing will allow a 2,000-gallon minimum usage per unit followed by five thousand (5,000) additional gallons per unit usage at the second increment rates for each occupied apartment or mobile home within the complex or park before additional consumption charges will be levied. If no master meter is used, then each apartment or mobile home shall be treated as a single-family dwelling.

(b) For purposes of this subsection, an "occupied apartment unit or mobile home" shall include any laundry facility, office, swimming pool or the like within a complex or park.

(c) In master-metered, multifamily complexes or parks, actual number of occupied units shall be determined for billing purposes by procedures established, maintained, and exercised by the city manager, staff and designees. However, such determination of actual number of occupied units must be made at least quarterly on each January 1, April 1, July 1 and October 1. Further, such determination of actual number of occupied units must be generally based upon the number of operating electrical meters where possible or equitable. In instances where actual number of occupied units cannot be fairly determined on such basis, then the number of occupied units shall be determined by verifiable occupancy records and data to be provided by owners and/or managers of apartment complexes or mobile home parks. If such verifiable occupancy records and

data are not voluntarily provided, then billing shall be based upon 100 percent occupancy.

(13) Basis for billing camp facilities owned and operated by nonprofit corporations; In cases involving camp facilities, the nonprofit corporation shall be charged a minimum 2,000 gallons consumption for water and sewer service for each individual meter.

(14) Basis for billing multi-commercial complexes:

(a) All multi-commercial business parks and complexes shall be charged a minimum 2,000 gallons consumption for water and sewer service for each occupied commercial space served within the complex or business park. If a master meter is used to provide service to the complex or park, then the billing will allow a 2,000 gallons minimum usage for each business occupying space within the complex or park before additional consumption charges will be levied. If no master meter is used, then each space or business shall be treated as a single commercial establishment.

(b) In master-metered, commercial complexes or parks, actual number of occupied units shall be determined for billing purposes by procedures established, maintained, and exercised by the city manager, staff and designees. Further, such determination of actual number of occupied units must be generally based upon the number of operating electrical meters where possible or equitable. In instances where actual number of occupied units cannot be fairly determined on such basis, then the number of occupied units shall be determined by verifiable occupancy records and data to be provided by owners and/or managers of business parks or complexes. If such verifiable occupancy records and data are not voluntarily provided, then billing shall be based upon 100 percent occupancy.

(15) Basis for billing multiunit residential/commercial account:

Accounts with both residential and commercial purpose will be billed at the commercial rate.

(16) Beginning with the December 1, 2005, billing dates, the water and sewer rates as set forth above shall be increased. Beginning with the October 1, 2006, billing dates, and each year thereafter, the water and sewer rates as set forth above shall be adjusted incrementally on an annual basis in accordance with the CPI-U change. As used herein, "CPI-U" shall mean the revised consumer price index rate for all urban consumers (all items included) for the Houston-Galveston-Brazoria, TX area, based on the latest available figures from the Department of Labor's Bureau of Labor Statistics (the "bureau"). The rates, set in subsections (10) and (11) above, shall be automatically adjusted with the October 1 billing dates of each year by an amount equal to the percentage that the CPI-U has changed over the previous 12-month period.

(17) Disconnect / reconnection of water and/or sewer services during normal business hours \$50.00

(18) Restoration of service after normal working hours\$75.00

- (19) Returned check fee\$35.00
- (20) Ten (10) percent penalty for late payment.
- (21) Unauthorized connection or tampering fee (consumption of, or damages resulting from, unauthorized connection, tampering or theft of water, sewer, or garbage collection services in the amount established plus the actual cost of the service consumed and/or actual cost of repair for damages\$100.00
- (22) Utility meter removal/pulled meter fee\$100.00
- (23) Antenna replacement due to tampering or cut wire Actual cost, plus 15%
- (22) Extension of water/sewer lines pursuant to extension policy (front foot charge):
 - Inside city limits:*
 - Water, per front foot\$9.00
 - Sewer, per front foot for sewer\$7.50
 - Outside city limits:*
 - Water, per front foot\$10.50
 - Sewer, per front foot\$9.00
- (23) Front-foot charge for singly platted tract capable of later division:
 - Inside city limits:* Minimal front foot basis paid on larger of sixty (60) feet or width of land occupied by main structure plus ten (10) feet plus any additional side yard frontage not divisible into additional lots.
 - Outside city limits:* Front-foot charge without reduction.
- (24) Water extension to person with existing well system (inside city limits): Sixty (60) percent of front foot charge.
- (25) Sewer extension to person with existing septic system (inside city limits): Sixty (60) percent of front foot charge.
- (26) Water extension to person with existing well system (outside city limits): Front foot charge without reduction.
- (27) Sewer extension to person with existing septic system (outside city limits): Front foot charge without reduction.
- (28) Indirect dischargers of hauled waste.

Waste disposal fees:

(a) For loads having a ph of not less than 7 or greater than 8.5 standard units and ammonia levels not greater than 9.9 mg/l, per gallon\$0.03

(b) For loads having a ph of 6 to 6.9 or 8.6 to 8.9 standard units and ammonia levels of 10 to 14.9 mg/l, per gallon\$0.05

(29) Storm water permit fees:

On-time application for storm water permit:

Minimum amount\$45.00

Incremental amount for each full or partial acre site, in excess of one acre\$45.00

Penalty for late filing of application for storm water permit:

Minimum amount\$90.00

Incremental amount for each full or partial acre site, in excess of one acre\$90.00

On-time amendment of storm water permit:

(with no net increase in site acreage)

Minimum amount\$45.00

Late amendment of storm water permit, (with no net increase in site acreage):

Minimum amount\$90.00

On-time amendment of stormwater permit, (with net increase in site acreage):

Unit rate applies only to the increase in acreage:

Minimum amount\$45.00

Incremental amount for each full or partial acre site, in excess of one acre\$45.00

Late amendment of storm water permit (with net increase in site acreage):

Unit rate applies only to the increase in acreage:

Minimum amount\$90.00

Incremental amount for each full or partial acre site, in excess of one acre\$90.00

Lifting of stop work order:

Minimum amount\$25.00

Incremental amount for each full or partial acre site,
in excess of one acre\$25.00

Other fees:

City response to spill: Direct cost plus ten (10) percent of direct cost

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Section 2. That except as specifically amended herein all other provisions of Chapter 28 of the Code of Ordinances, City of Alvin, Texas shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control. That all rights and remedies which have accrued in favor of the City under Chapter 28 and any amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability Clause. If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Publication. The City Clerk of the City of Alvin is hereby directed to publish this ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by *Chapter 52 of the Texas Local Government Code* and the *City of Alvin Charter*.

Section 5. 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 as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code*. Notice was also provided as required by *Chapter 52 of the Texas Local Government Code and the City of Alvin Charter*.

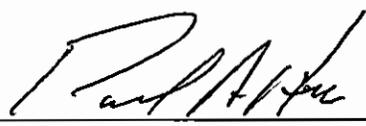
Section 6. Effective Date. This ordinance shall take effect after its passage in accordance with the provisions of *Chapt. 52, Tex. Loc. Gov't. Code* and the *City of Alvin Charter*.

PASSED AND APPROVED on this 18 day of August, 2016.

ATTEST:

CITY OF ALVIN, TEXAS

By: 
Dixie Roberts, City Clerk

By: 
Paul A. Horn, Mayor