ORDINANCE 20250408

WATER & SEWER ORDINANCE

AN ORDINANCE OF THE CITY OF BURTON, TEXAS, REGARDING PAYMENT PROCEDURES FOR WATER AND SEWER SERVICE, TAP AND WATERLINE EXTENSION FEES, AND WATER AND SEWER RATES; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING

WHEREAS, the City of Burton ("City") is a general law municipality; and

WHEREAS, pursuant to Texas Local Government Code § 51.001, the City Council of the City of Burton, Texas ("City Council") has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

WHEREAS, the provision of water and sewer services for the residents of the City is necessary for the public health of the citizens and the protection of the environment and natural resources of the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace, and order of the City of Burton to adopt an ordinance increasing the water and sewer rates in accordance with the water and sewer rate study conducted under the guidance of the Texas Rural Water Association;

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

Section 1. Application for Services

Each prospective customer desiring water and/or sewer service shall provide appropriate information for billing and accounting in order to obtain such service and shall pay the applicable tap fees, deposits, and monthly charges as set forth by the City.

Section 2. Security Deposit and Utility Accounts

The following shall apply to all water and sewer utility accounts:

a) All new PROPERTY OWNER applicants for service shall pay a one hundred fifty dollar and no cents ($150.00) security deposit for the provision of water and sewer services OR a seventy-five dollar and no cents ($75.00) security deposit for the provisions of water services OR sewer services.
b) All new RENTING OR LEASING applicants for service shall pay a two hundred fifty dollar and no cents ($250.00) security deposit for the provision of water and sewer services OR a one hundred twenty-five dollar and no cents ($125.00) security deposit for the provisions of water services OR sewer services.
c) In addition to the security deposit, all new and existing customers who wish to create a new connection to the City's water and/or sewer services shall pay a fifty dollar and no cents ($50.00) connection fee. Should services be disconnected because of non-payment the $50.00 connection fee must be paid before services will be re-connected.
d) In the event that a City water line is not in existence on a street adjoining the premises of the new or existing customer, said customer shall also pay the total expense of constructing a water line from the nearest existing water line to the premises of the customer requesting water services. (See Section 5.)
e) All customers requesting water and/or sewer service shall personally sign the application for services and provide verification of name and current address for billing.

f) On the event any customer's service is disconnected for late payment, the City will apply the deposit to the deficiency and require full payment of any delinquent, in addition to any reconnection fee and reinstatement of the full security deposit prior to reinstatement and connection to services.
g) Security deposit shall remain with the City until termination of services.

Section 3. Payment Procedure

A. ***Payment Due.*** Payments for City Services are due by 3:00 p.m. of the fifteenth (15th) day of each month. If the fifteenth day of the month falls on a non-business day, the payment is due by 3:00 p.m. on the next business day.
B. ***Payments.*** Payments can be made by cash, check, money order or debit/credit card.
All forms of payment are accepted at Burton City Hall located at 12200 E. Mulberry St. Spur 125, Burton, TX 77835.
Cash, check and money order payments can be mailed to Burton Utilities at P.O. Box 255, Burton, TX 77835.
Credit and Debit Card payments may also be made online at https://nexbillpay.net/burtoncityutilities/BillPay/SignIn .
C. ***Late Charge.*** If full payment is not received by the fifteenth (15th) day of the month (or the next business day if the fifteenth day falls on a non-business day), a 10% late charge will be assessed for the billed amount of the water, wastewater, and garbage bill.
D. ***Notice of delinquency.*** A notice of delinquency will be sent to all customers for whom full payment has not been received as of the applicable due date. The notice will state the amount owed and if the full amount is not paid by the twenty-sixth (26th) day of the month, all City Services will be considered delinquent and all City services may be disconnected on the twenty-seventh (27th) day of the month.
E. ***Payment extensions.*** Payment extensions may be granted on delinquent accounts if the customer requesting such extension appears in person at least one (1) day prior to the disconnection date and enters into a written agreement with the City. A customer who defaults on the first payment extension will not be eligible for a subsequent payment extension and services may be disconnected the day after the customer defaults on the payment extension.

Section 4. Utility Lien

A. Except as provided in subsections B and C, the City may file a lien against an owner's property, unless it is a homestead as protected by the Texas Constitution, for delinquent bills for water and sewer utility service to the property.
B. The City's lien shall not apply to bills for service connected in a tenant's name after notice by the property owner to the City that the property is rental property.
C. The City's lien shall not apply to bills for service connected in a tenant's name prior to the effective date of this ordinance.
D. The City's lien shall be perfected by recording in the real property records of Washington County a notice of lien containing a legal description of the property and the account number for the delinquent charges. The City's lien may include penalties, interest, and collection costs.
E. The City's lien is inferior to a bona fide mortgage lien that is recorded before the recording of the City's lien in the real property records of Washington County. The City's lien is superior to all other liens, including previously recorded judgment liens and any liens recorded after the municipality's lien.

Section 5. Tap and Water Line Extension Fees

Past ordinances stipulate connection to both the City's water and wastewater systems. Fees and/or costs for new water and/or sewer taps, including any applicable line extensions, are determined by the City's utility contractor based on individual cases and circumstances applying to the tap or extension. Once fees are determined, the

customer will be notified of the costs and then invoiced by the city. Payment shall be collected from the applicant prior to the corresponding line extension, water and/or sewer tap being made.

Section 6. Rates for Water Service Beginning May 15, 2025

The following rates shall be charged and paid for water services provided to all customers by the City beginning on May 15, 2025:

		WITHIN CITY LIMITS	NON-CITY RESIDENTS (ETJ)
1.	**Minimum Charge**	**$40.00**	**$50.00**
a)	0 (zero) to 4,000 gallons	$2.80 per 1,000 gallons or fraction	$3.00 per 1,000 gallons or fraction
b)	4,001 – 10,000 gallons	$3.00 per 1,000 gallons or fraction	$3.25 per 1,000 gallons or fraction
c)	10,001+ gallons	$3.25 per 1,000 gallons or fraction	$3.50 per 1,000 gallons or fraction
2.	**Bulk Sales**	**$40.00 per 1,000 gallons**	

Section 7. Rates for Sewer Service Beginning May 15, 2025

The sewer rate for the use of less than 30,000 gallons in a month is based upon average water consumption for the months of November, December and January. The sewer rate for the use of 30,001 or more in a single month is based on the actual monthly usage for that month, not an average.

The following monthly rates shall be charged and paid for sewer services provided by the City:

		WITHIN CITY LIMITS	NON-CITY RESIDENTS (ETJ)
1.	Beginning May 15, 2025 (June 2025 bill) through March 15, 2026:		
a)	**Minimum Charge**	**$37.50**	**$40.00**
b)	0 – 4,000	$3.00 per 1,000 gallons	$3.25 per 1,000 gallons
c)	4,001 – 10,000 gallons	$3.25 per 1,000 gallons	$3.50 per 1,000 gallons
d)	10,001 – 30,000 gallons	$3.75 per 1,000 gallons	$4.00 per 1,000 gallons
e)	30,001+ gallons	$4.00 per 1,000 gallons	$4.25 per 1,000 gallons
2.	Beginning March 16, 2026 through March 15, 2027:		
a)	**Minimum Charge**	**$40.00**	**$42.50**
b)	0 – 4,000	$3.25 per 1,000 gallons	$3.50 per 1,000 gallons
c)	4,001 – 10,000 gallons	$3.50 per 1,000 gallons	$3.75 per 1,000 gallons
d)	10,001 – 30,000 gallons	$4.00 per 1,000 gallons	$4.25 per 1,000 gallons
e)	30,001+ gallons	$4.25 per 1,000 gallons	$4.50 per 1,000 gallons
3.	Beginning March 16, 2027 through March 15, 2028:		
a)	**Minimum Charge**	**$42.50**	**$45.00**
b)	0 – 4,000	$3.50 per 1,000 gallons	$3.75 per 1,000 gallons
c)	4,001 – 10,000 gallons	$3.75 per 1,000 gallons	$4.00 per 1,000 gallons
d)	10,001 – 30,000 gallons	$4.25 per 1,000 gallons	$4.50 per 1,000 gallons
e)	30,001+ gallons	$4.50 per 1,000 gallons	$4.75 per 1,000 gallons

4. Beginning March 16, 2028 through March 15, 2029:

a)	**Minimum Charge**	**$45.00**	**$47.50**
b)	0 – 4,000	$3.75 per 1,000 gallons	$4.00 per 1,000 gallons
c)	4,001 – 10,000 gallons	$4.00 per 1,000 gallons	$4.25 per 1,000 gallons
d)	10,001 – 30,000 gallons	$4.50 per 1,000 gallons	$4.75 per 1,000 gallons
e)	30,001+ gallons	$4.75 per 1,000 gallons	$5.00 per 1,000 gallons

5. Beginning March 16, 2028 through March 15, 2029:

a)	**Minimum Charge**	**$47.50**	**$50.00**
b)	0 – 4,000	$4.00 per 1,000 gallons	$4.25 per 1,000 gallons
c)	4,001 – 10,000 gallons	$4.25 per 1,000 gallons	$4.50 per 1,000 gallons
d)	10,001 – 30,000 gallons	$4.75 per 1,000 gallons	$5.00 per 1,000 gallons
e)	30,001+ gallons	$5.00 per 1,000 gallons	$5.25 per 1,000 gallons

Section 8. Repealer

The provisions of this Ordinance shall be cumulative of all other ordinances or part of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

Section 9. Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Burton hereby declares that it would have passed this Ordinance and each subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

Section 10. Effective Date

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

Section 11. 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.

PASSED AND APPROVED this 8th day of April, 2025.

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Mayor, Karen Buck
City of Burton, Texas

ATTEST:

_____
City Secretary, Angela Harrington
City of Burton, Texas