

**ORDINANCE NO. 2018-\_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 130, ARTICLE IV, SECTIONS 130-167, CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS RELATING TO WATER RATES; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of New Braunfels, Texas, owns and operates by and through New Braunfels Utilities its own water system in accordance with the laws of the State of Texas and the charter of said City; and

**WHEREAS**, the Council of the City of New Braunfels has heretofore established an ordinance providing for assessment and collection of water rates and which ordinance has been codified as Chapter 130, Article IV, Code of Ordinances of the City of New Braunfels; and

**WHEREAS**, Section 130-167 of the Code of Ordinances of the City requires an update when rates are changed; and

**WHEREAS**, the New Braunfels Utilities staff has recommended new water rates; and

**WHEREAS**, the New Braunfels Utilities staff has presented the updated rates and rate design to City Council in a workshop held on September 17, 2018; and

**WHEREAS**, in order to change the water rates, it is now necessary and advisable that Section 130-167, Article IV, Code of Ordinances, as heretofore established by ordinance, be amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

**SECTION 1.**

**THAT**, the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

## SECTION 2.

**THAT**, Section 130-167 Chapter 130, Article IV, New Braunfels Code of Ordinances, as heretofore established by ordinance, be and is hereby amended in the following section with deleted language signified by strikethrough font and new language signified by underlined font:

### ARTICLE IV. - WATER SERVICE

#### DIVISION 3. – SERVICE REQUESTS; RATES

##### Sec. 130-167. - Water rates.

- (a) *Service rate classifications.* All water service supplied shall be designated by the following classifications with descriptions, rates and conditions of sale as indicated further in this section:

Residential service 1: Inside corporate limits of the city.

Residential service 2: Outside corporate limits of the city.

Multi-unit permanent residential water service 1: Inside corporate limits of the city.

Multi-unit permanent residential water service 2: Outside corporate limits of the city.

General service 1: Inside corporate limits of the city.

General service 2: Outside corporate limits of the city.

Large general service.

Fire hydrant service.

Irrigation service 1: Inside corporate limits of the city.

Irrigation service 2: Outside corporate limits of the city.

Tanker service.

Wholesale service.

Contractual water service.

Experimental service.

- (b) *Determination of classification.* Upon application for service, NBU shall make the initial determination of the customer's service rate classification. The classification is subject to change in accordance with the provisions of this article.

Rate schedule administration and assignment. Upon request for water service from a prospective customer, NBU shall assign the appropriate rate classification for water service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

If a customer receiving service changes the nature or character of water service requirements, then NBU shall, upon review of the information available pertaining to the revised water service requirement, reassign the customer to the appropriate rate schedule.

If a prospective or existing customer is eligible to receive water service under more than one of the NBU' rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then NBU shall assign the most appropriate rate schedule for water service after consideration of the various service requirements, potential impact on NBU facilities, the potential relative costs of serving the customer, and other available pertinent information.

If a customer requests an adjustment to the billing units due to an unusual occurrence or due to unusual or special circumstances, then NBU may, upon review of the information available pertaining to the customer's request and after consideration of the potential impact on NBU, adjust the billing units.

(c) *Residential service 1 rate.*

- (1) *Availability.* The residential service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 1 rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service 1 rate shall not be applicable for service to a residence located outside the city limits or to a residence also used for commercial purposes, including, but not limited to, boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge, as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$12.80
1-inch	14.52
1½-inch	16.87
2-inch	20.60
3-inch	30.05
4-inch and greater	35.44

*Monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$1.550
7,501—15,000	3.643
15,001—25,000	4.263
Excess of 25,000	5.425

(5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(d) *Residential service 2 rate.*

- (1) *Availability.* The residential service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The residential service 2 rate is applicable for water service used solely for residential purposes and related activities consisting of service to single-family dwellings, or permanent residential multifamily dwellings where each dwelling unit is individually metered.
- (3) *Excluded uses.* The residential service 2 rate shall not be applicable for service to a residence also used for commercial purposes, including but not limited to boardinghouses, motels, hotels, nursing homes, barbershops, beauty shops, general contractors storing equipment or building materials on the property, child care centers, retail businesses, restaurants, technical repair services, professional services offered to the public on the premises, and other similar commercial or nonresidential activities.
- (4) *Monthly rates.* The residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge, as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$14.08

1-inch	15.97
1½-inch	18.56
2-inch	22.66
3-inch	33.06
4-inch and greater	38.98

*Monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2089
0—7,500	\$1.705
7,501—15,000	4.007
15,001—25,000	4.689
Excess of 25,000	5.968

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge; or
  - The amount specified in any contract between the customer and NBU.
- (e) *Multi-unit permanent residential service 1 rate.*
- (1) *Availability.* The multi-unit permanent residential service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
  - (2) *Applicability.* The multi-unit permanent residential service 1 rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings, or an individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
  - (3) *Excluded uses.* The multi-unit permanent residential service 1 rate shall not be applicable for service to a multi-unit development located outside the city limits or to individually metered residential dwellings.

- (4) *Monthly rates.* The multi-unit permanent residential service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$12.80
1-inch	14.52
1½-inch	16.87
2-inch	20.60
3-inch	30.05
4-inch and greater	35.44

*Monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Number of Units	Gallons of Water Usage	\$ per 1,000 gallons December 1, 2018
2—4	0—8,000	\$1.850
	8,001—20,000	2.450
	Excess of 20,000	3.000
5—10	0—20,000	1.850
	20,001—40,000	2.450
	Excess of 40,000	3.000

11—25	0—40,000	1.850
	40,001—100,000	2.450
	Excess of 100,000	3.000
26—50	0—100,000	1.850
	100,001—200,000	2.450
	Excess of 200,000	3.000
51—75	0—200,000	1.850
	200,001—300,000	2.450
	Excess of 300,000	3.000
76—100	0—300,000	1.850
	300,001—400,000	2.450
	Excess of 400,000	3.000
100 +	0—400,000	1.850
	400,001—800,000	2.450
	Excess of 800,000	3.000

*Monthly unit charge.* When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$5.76 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge; or
  - The amount specified in any contract between the customer and NBU.
- (f) *Multi-unit permanent residential service 2 rate.*
- (1) *Availability.* The multi-unit permanent residential service 2 rate is available in the water service area of NBU outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
  - (2) *Applicability.* The multi-unit permanent residential service 2 rate is applicable for water service used solely for permanent residential multi-unit development, such as duplexes, triplexes, quadruplexes, apartment buildings or individual residence with separate apartment type unit(s) where each dwelling unit is not individually metered.
  - (3) *Excluded uses.* The multi-unit permanent residential service 2 rate shall not be applicable for service to a multi-unit development located inside the corporate limits of the city or to individually metered residential dwellings.
  - (4) *Monthly rates.* The multi-unit permanent residential service 2 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, as shown below.
- Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$13.44
1-inch	15.25
1½-inch	17.71
2-inch	21.63
3-inch	31.55
4-inch and greater	37.21

*Monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Number of	Gallons of	\$ per 1,000 gallons Effective December 1,
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Units	Water Usage	2018
2—4	0—8,000	\$1.943
	8,001—20,000	2.573
	Excess of 20,000	3.150
5—10	0—20,000	1.943
	20,001—40,000	2.573
	Excess of 40,000	3.150
11—25	0—40,000	1.943
	40,001—100,000	2.573
	Excess of 100,000	3.150
26—50	0—100,000	1.943
	100,001—200,000	2.573
	Excess of 200,000	3.150
51—75	0—200,000	1.943
	200,001—300,000	2.573
	Excess of 300,000	3.150
76—100	0—300,000	1.943
	300,001—400,000	2.573
	Excess of 400,000	3.150
100 +	0—400,000	1.943

	400,001—800,000	2.573
	Excess of 800,000	3.150

*Monthly unit charge.* When a customer with a master metered water service receives service at a duplex, triplex, quadruplex, apartment complex or individual residence with separate apartment type unit(s) each such separate and identifiable permanent residential area and each public bathroom, laundry area, or other area where water service exists shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$6.04 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges for such users of water among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (5) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge, plus the monthly unit charge; or
  - The amount specified in any contract between the customer and NBU.

(g) *General service 1 rate.*

- (1) *Availability.* The general service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The general service 1 rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers.
- (3) *Monthly rates.* The general service 1 rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$13.39
1-inch	14.48
1½-inch	18.81

2-inch	23.90
3-inch	36.19
4-inch	55.03
6-inch and greater	95.56

*Monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—5,000	\$2.171
5,001—50,000	2.255
50,001—200,000	2.329
Excess of 200,000	2.489

*Monthly unit charge.* When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$5.76 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
  - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
  - b. The amount specified in any contract between the customer and NBU.
- (h) *General service 2 rate.*
  - (1) *Availability.* The general service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.

- (2) *Applicability.* The general service 2 rate is applicable to water service for any customer which does not qualify for service under another rate schedule, and includes, but is not limited to nursing homes, schools, restaurants, cafes, bakeries, grocery stores, motels, hotels, banks, barbershops, beauty shops, child care and day care centers, churches, professional offices, feed and hardware stores, funeral homes, furniture stores, general offices, laundries, nurseries and garden centers, retail businesses, and warehouses and other similar nonresidential customers, and where the customer is located within NBU service area but outside the corporate limits of the city except as specifically set forth in this article.
- (3) *Monthly rates.* The general service 2 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable, as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$16.74
1-inch	18.10
1½-inch	23.52
2-inch	29.87
3-inch	45.24
4-inch	68.78
6-inch and greater	119.45

*Monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—5,000	\$2.388
5,001—50,000	2.480

50,001—200,000	2.561
Excess of 200,000	2.738

*Monthly unit charge.* When a customer receives service at a multi-unit facility, each separate and identifiable office, retail, wholesale or other type of working areas designed for occupancy by separate tenants or unrelated users shall be subject to a monthly unit charge for billing purposes. The monthly charge for each unit in excess of one unit shall be \$6.33 per month effective December 1, 2018.

NBU will not undertake the apportionment of charges among the occupants or tenants. Charges for multi-unit service will be assessed against the customer of record for such location.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
  - a. The monthly customer charge plus the monthly volume charge plus the monthly unit charge, if applicable; or
  - b. The amount specified in any contract between the customer and NBU.

(i) *Large general service rate.*

- (1) *Availability.* The large general service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The large general service rate is applicable to customers with water consumption exceeding 1,250,000 gallons per month for at least any six months of the immediately preceding 12-month billing period. Service shall only be provided under contract approved by the board of trustees of NBU due to the special capacity service requirements.
- (3) *Monthly rates.* The large general service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

*Monthly customer charge:* \$1,437.53 effective December 1, 2018.

*Monthly volume charge:* \$1.922 per 1,000 gallons effective December 1, 2018.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
  - a. The monthly customer charge plus the monthly volume charge; or
  - b. The amount specified in any contract between the customer and NBU.

(j) *Fire hydrant service rate.*

- (1) *Availability.* The fire hydrant water service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The fire hydrant water service rate is applicable to water service provided through a fire hydrant, whether metered or estimated. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required. A service charge of \$100.00 will be assessed to set and remove the fire hydrant meter.
- (3) *Monthly rates.* The fire hydrant service rate will be calculated monthly in accordance with this section and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

*Monthly customer charge:* \$109.56 effective December 1, 2018.

*Monthly volume charge:* \$2.638 per 1,000 gallons effective December 1, 2018.

- (4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:
- The monthly customer charge plus the monthly volume charge; or
  - The amount specified in any contract between the customer and NBU.
- (5) *Deposit.* All customers using a fire hydrant meter shall furnish a deposit of \$300.00 or establish other means of credit acceptable to NBU.
- (k) *Landscape/irrigation service 1 rate.*
- (1) *Availability.* The landscape/irrigation service 1 rate is available only within the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
  - (2) *Applicability.* The landscape/irrigation service 1 rate is applicable to water service for a residential 1 or general service 1 rate classification customer who has a sprinkler or irrigation system on a separate water meter:
    - Dedicated exclusively to such purpose, and
    - Which is in addition to one or more other water meters serving the same location.
  - (3) *Monthly rates.* The landscape/irrigation service 1 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$4.73
1-inch	5.74
1½-inch	7.50
2-inch	8.00
3-inch	12.50
4-inch and greater	15.00

*Monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$3.643
7,501—25,000	4.263
Excess of 25,000	5.425

(4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(l) *Landscape/irrigation service 2 rate.*

- (1) *Availability.* The landscape/irrigation service 2 rate is available outside the corporate limits of the city under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The landscape/irrigation service 2 rate is applicable to water service for a residential 2 or general service 2 rate classification customer who has a sprinkler or irrigation system on a separate water meter:
  - a. Dedicated exclusively to such purpose, and
  - b. Which is in addition to one or more other water meters serving the same location.
- (3) *Monthly rates.* The landscape/irrigation service 2 rate will be calculated monthly and will be an amount equal to the sum of the monthly customer charge and the monthly volume charge, as shown below.

*Monthly customer charge.* The monthly customer charge shall be determined by the size of the water meter serving each customer, as follows:

Meter Size	Customer Charge Effective December 1, 2018
5/8 -inch and smaller	\$5.20
1-inch	6.31
1½-inch	8.25
2-inch	8.80
3-inch	13.75

4-inch and greater	16.50
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*Monthly volume charge.* The monthly volume charge for monthly water usage per 1,000 gallons, or any part thereof, shall be:

Gallons of Water Usage	\$ per 1,000 gallons Effective December 1, 2018
0—7,500	\$4.007
7,501—25,000	4.689
Excess of 25,000	5.968

(4) *Minimum monthly charge.* The minimum monthly charge shall be the larger of the following:

- a. The monthly customer charge plus the monthly volume charge; or
- b. The amount specified in any contract between the customer and NBU.

(m) *Tanker service rate.*

- (1) *Availability.* The tanker service rate is available under the rules, regulations, policies, and at the rates set forth in this section.
- (2) *Applicability.* The tanker water service rate is applicable to water service provided at locations approved by NBU, whether metered or estimated. Under this rate, a customer may acquire and purchase water through the use of water tanker trucks or other mobile water transport containers. Any customer requesting service under this rate must make arrangements with NBU prior to the date service is required.
- (3) *Rates.* The rate for each tanker or other mobile water transport containers acquiring water at locations approved by NBU shall be the sum of the tanker charge and the volume charge, as shown below.

Tanker charge	Effective December 1, 2007
Per month	\$13.82
Volume charge, per 1,000 gallons or any part thereof	2.009



- (4) *Minimum charge.* The minimum charge for each tanker truck connection shall be the larger of the following:
  - a. The tanker charge plus the volume charge; or
  - b. The amount specified in any contract between the customer and NBU.
- (n) *Wholesale water service.*
  - (1) *Availability.* Wholesale water service is available under the rules, regulations, and policies, as set by contract and approved by the NBU board of trustees. Contracts for wholesale service will be approved only when water supplies are sufficient to satisfy the requirements of the contract without jeopardizing the water needs of the citizens of the city and customers of NBU.
  - (2) *Applicability.* A wholesale service contract is applicable for water service to water systems created by the appropriate agency of the state as well as to other water systems and purveyors which resell water or water service.
  - (3) *Rates.* The rate set by contract shall not be less than the marginal cost to serve that customer.
- (o) *Experimental rate.*
  - (1) *Applicability.* The experimental rate shall be applicable to any and all rate class groups at times chosen by NBU. The time period for which the experimental rate may apply shall not exceed one year. At any time, the number of customers affected by the experimental rate shall not exceed one percent of the total number of customers served by NBU.
  - (2) *Purpose.* The purpose of the experimental rate is to aid in design of new rates. NBU shall have the authority to initiate or discontinue the experimental rate at NBU's sole discretion.
  - (3) *Selection.* The methods and criteria for selection of rate class groups to be used for the experimental rate shall be chosen and defined by NBU. Participation in the experimental rate by customers shall be on a voluntary basis.
- (p) *Residential and landscape irrigation drought surcharges.*
  - (1) As of June 2014 or any time thereafter, if stage III water restrictions are in effect NBU will implement a \$1.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.
  - (2) As of June 2014 or any time thereafter, if stage IV water restrictions are in effect NBU will implement a \$2.00 per 1,000 gallon surcharge for residential usage greater than 15,000 gallons and for irrigation usage greater than 7,500 gallons per month.

### **SECTION 3.**

**THAT**, this ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to water rates, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

### **SECTION 4.**

**THAT**, if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or

application, and to this end the provisions of this ordinance are declared to be severable.

**SECTION 5.**

**THAT**, this ordinance shall be effective on December 1, 2018.

**SECTION 6.**

**PASSED AND APPROVED:** First Reading this 12th day of November, 2018.

**PASSED AND APPROVED:** Second Reading this 26th day of November, 2018.

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL, Mayor**

**ATTEST:**

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**PATRICK ATEN, City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA ACEVEDO, City Attorney**