

**ORDINANCE NO. 2010- 25**

**An ordinance amending Chapter 24 of the Victoria City Code to change miscellaneous fees therein, repealing conflicting parts of existing ordinances, providing for severability, providing for codification and savings, and declaring an effective date.**

The City Council finds that the following fees and all of the fees of Chapter 24 of the Victoria City Code (1) are **not** more than reasonably necessary to cover the cost of providing the services to which they relate, (2) are **not** more than reasonably necessary to cover the cost of granting the licenses or permits to which they relate and of exercising proper police regulation related to such licenses or permits, and (3) bear a reasonable relationship to the legitimate objects of the regulations related to which those fees are being charged.

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

1.

The following sections of Chapter 24 of the Victoria City Code are amended to read as follows:

**Section 24-15. Convenience Fee.**

A convenience fee of \$3.00 will be added to all payments made to the City through an alternate payment channel such as online or over the phone (non face-to-face transactions). This convenience fee will not be added to payments made in person at any City's billing location or on automatic reoccurring payments (ACH).

**Section 24-21. City Secretary administered.**

Coin operated machines:

Permits.....	\$15.00
Fee for sealed machine release.....	5.00

Commercial outdoor sales:

Registration.....	80.00
Re-registration.....	5.00
Garage sales.....	<del>8.00</del> <u>10.00</u>

Itinerant vendors:

Permit fee.....	80.00
Police investigation fee.....	40.00
Limousine permit ( <del>per vehicle</del> ), plus \$10.00 per permitted vehicle.....	25.00
Motor Drawn Touring Vehicle Permit, plus \$10.00 per permitted vehicle.....	25.00
Animal-Drawn Touring Vehicle Permit, plus \$50.00 per permitted vehicle.....	25.00
Limousine or Touring Vehicle Operator's License.....	<del>8.00</del> <u>25.00</u>
Pool hall permit.....	15.00
Sexually oriented business permit.....	150.00
Street vendor vehicle permit.....	35.00
Taxi cab business license ( <del>per vehicle</del> ), plus \$10.00 per permitted vehicle.....	<del>15.00</del> <u>25.00</u>
Taxi cab operator's license.....	<del>8.00</del> <u>25.00</u>

Transfer ambulance service:	
Application fee.....	150.00
Permit fee (per vehicle).....	35.00
Tow truck permits:	
Per vehicle.....	15.00
Privilege list:	
First truck.....	450.00
Each subsequent truck.....	750.00
Trash haulers permit.....	35.00
Commercial animal establishments:	
Animal auction.....	50.00
Grooming shops.....	50.00
Kennels.....	75.00
Pet shop.....	75.00
Small animal facility.....	75.00
Zoological park.....	125.00
Transfer of any permit.....	10.00

**Section 24-22. Health Department administered.**

The following fees for permits and licenses pertaining to animal control and food establishments are established:

Retail food establishment permit fees:

1-4 employees.....	<del>\$100.00</del>	<u>\$120.00</u>
5-10 employees.....	<del>\$125.00</del>	<u>\$140.00</u>
11-19 employees.....	<del>\$150.00</del>	<u>\$160.00</u>
More than 19 employees.....	<del>\$175.00</del>	<u>\$200.00</u>

Late fee:

1-30 days past due.....	\$25.00
Each 30 days thereafter...	\$25.00

Permit replacement fee.....5.00

Retail food establishment reinspection fee (if more than 30 demerits, more than one re-inspection or requested by inspectee).....~~\$50.00~~ \$60.00

Opening inspection fee.....\$60.00

Temporary food establishment:

Individual.....	<del>\$50.00</del>	<u>\$60.00</u>
Organization/sponsor with two or more for-profit food vendors.....	<del>125.00</del>	<u>\$140.00</u>

Mobile food unit, per unit.....~~100.00~~ \$120.00

**Section 24-73. Charges for lost or damaged items.**

When a library item is lost and/or damaged, the patron shall be responsible for payment to the library for the replacement cost of the lost or damaged item. The charges for such lost or damaged item shall include:

- (1) The actual cost of the item to the library, or a default price if item cost is unavailable;
- (2) A processing fee, and
- (3) Any overdue fines that may have accumulated, all as set out below:

Media Type	Default Item Cost	Processing Fee	Maximum Fee
Hardback books	\$ 25.00	\$ 4.00	\$ 7.00
Paperback books	7.00	4.00	7.00
Pamphlets	2.00	4.00	1.00
Interlibrary loan	50.00	4.00	25.00
Magazines	5.00	0.00	7.00
Music CD	20.00	6.00	7.00
Multimedia	50.00	6.00	7.00
DVD	30.00	6.00	7.00
Books on CD	40.00	6.00	7.00
Playaways	55.00	6.00	7.00
Playaway Case	<del>4.00</del> <u>3.00</u> (nonrefundable)		
DVD case	<del>3.00</del> <u>5.00</u> (nonrefundable)		
Music CD case	<del>1.00</del> <u>2.00</u> (nonrefundable)		
Magazine Folder	2.00 (nonrefundable)		
Book on CD case	<del>4.00</del> <u>10.00</u> (nonrefundable)		
Bindery Fee	15.00		
Replacement Library Card	2.00		
<del>Replacement cost for CDs</del>	<del>5.00 per disc (nonrefundable)</del>		
Kindle & Sony E-Reader			
Replacement cost	300.00	6.00	7.00

**Section 24-81. Municipal Pool.**

Fees for use of the Victoria municipal pool shall be as follows:

Daily entrance .....	<del>\$1.00</del> <u>\$1.50</u>
Swimming lessons .....	\$25.00
Privately Sponsored Pool parties (up to <del>60</del> <u>100 people</u> ) .....	<del>\$125.00</del> <u>\$200.00</u>
Summer Camp Pool Time (per camper) .....	\$2.00
Season membership (per person) .....	\$30.00
Adult Swim/Exercise for 2 classes/week.....	\$25.00
for 4 classes/week .....	\$35.00
Swim Technique Classes for 3 hours for 3 weeks.....	\$25.00

**Section 24-84. Sports Leagues.**

Fees for participating in basketball, football, baseball or softball team sports leagues sponsored by the Parks and Recreation Department are established as follows:

Adult basketball, per team.....	\$225.00
Adult winter basketball, per team.....	\$300.00
Adult baseball, per team.....	\$300.00
Adult flag football, per team .....	\$300.00
Adult volleyball, per team.....	\$175.00

**Softball and Other Recreational Leagues**

Spring League .....	<del>\$25/game/team</del>	<u>\$30/game/team</u>
Summer League .....	<del>\$25/game/team</del>	<u>\$30/game/team</u>
Fall League .....	<del>\$25/game/team</del>	<u>\$30/game/team</u>
Winter League.....	<del>\$25/game/team</del>	<u>\$30/game/team</u>

**Field rental (tournaments)**

Weekdays (M-Thur) <del>per night/4 fields</del> .....	<del>\$100.00</del>	<u>\$50.00/Field/Day</u>
Saturday 8:00 a.m. – midnight .....	<del>\$100.00</del>	<u>\$50.00/Field/Day</u>
Sunday 8:00 a.m. – midnight .....	<del>\$100.00</del>	<u>\$50.00/Field/Day</u>
<del>Saturday and Sunday.....</del>	<del>\$200.00</del>	
After midnight tournaments, per hour .....		\$25.00
Protest fee .....		\$20.00
<del>City sponsored tournaments.....</del>	<del>\$175.00/team</del>	

**Youth Sports Complex**

Field Rental (UHV/VISD) Championship Field-Softball .....	\$150.00 for one game
Each additional game on same field and same day .....	\$50.00/game
Participation Fee – Youth League (per participant) .....	\$20.00
Entrance Fee – Adult (UHV/VISD) .....	\$3.00
Entrance Fee – Youth (UHV/VISD) .....	\$2.00
Private Tournaments .....	\$62.50/field/day

Championship Field Rental (per day) ..... \$150.00

The Director of the Department of Parks and Recreation may establish prices for items sold by the City in concession stand.

**Section 24-85. Exclusive Use of Gazebos and Pavilions.**

Rose Garden Gazebo	<del>\$30.00</del>	<u>\$40.00</u> w/ 3 hour limit
Duck Pond Gazebo		\$30.00 w/ 3 hour limit
DeLeon Plaza Bandstand/Gazebo Weddings	<del>\$30.00</del>	<u>\$50.00</u> w/ 3 hour limit
DeLeon Plaza Bandstand/Gazebo –Events longer than 3 hours	<del>\$50.00</del>	<u>\$75.00</u> per day
Grover’s Bend Pavilion	<del>\$30.00</del>	<u>\$40.00</u> per day
Ethel Lee Tracy Park Pavilion	<del>\$30.00</del>	<u>\$50.00</u> per day

Hopkins Park Pavilion	<del>\$30.00</del> <u>\$40.00</u> per day
Martin Luther King, Jr. Park Pavilion	<del>\$15.00</del> <u>\$25.00</u> per day
Multi-use Pavilion next to Municipal Pool	<del>\$40.00</del> <u>\$50.00</u> per day
Ted Reed Park Pavilion	<del>\$30.00</del> <u>\$50.00</u> per day
<u>Children’s Park Pavilion</u>	<u>\$75.00 per day</u>

**Section 84-86. Special Events.**

Special events area of Riverside Park

Event - with electricity and/or water, per day .....	\$150.00
Event - no electricity or water, per day .....	\$50.00

Ball fields

Riverside Stadium .....	\$225/game
Lowe Field .....	\$75/game

Recreation Programs

Market Days booths	
Regular booth .....	<del>\$20.00</del> <u>\$25.00</u>
Regular booth with electricity .....	<del>\$25.00</del> <u>\$30.00</u>
Large booth .....	<del>\$30.00</del> <u>\$35.00</u>
Large booth with electricity .....	<del>\$35.00</del> <u>\$40.00</u>

The Director of the Department of Parks and Recreation may establish fees for additional special events/programs with approval of City Manager.

**Section 24-91. Regulations and Rental Rates for Community Center.**

(a) The policies, category descriptions, and all other provisions contained in the "Victoria Community Center Regulations" are approved, adopted, and incorporated as fully as if set out at length, a copy of which is on file with the City Secretary and the Parks and Recreation Director. Rental rates will be separated from the "Victoria Community Center Regulations" and any changes to rates will be approved and adopted by City Council as necessary. All future policies, category descriptions and provisions in the "Victoria Community Center Regulations" will be approved and adopted by the City Manager.

(b) Rental rates for the use of community center facilities are:

Dome (Mon. – Thurs.) .....	<del>\$788.00 per day</del> <u>\$828.00 per day</u>
Dome/weekend (Fri.-Sun.).....	<del>\$945.00 per day</del> <u>\$992.00 per day</u>
Annex (Mon.-Thurs.) .....	<del>\$578.00 per day</del> <u>\$607.00 per day</u>
Annex/weekend (Fri.-Sun.).....	<del>\$709.00 per day</del> <u>\$745.00 per day</u>
½ Annex (Mon.-Thurs) .....	<del>\$368.00 per day</del> <u>\$386.00 per day</u>
½ Annex/weekend (Fri.-Sun.) .....	<del>\$446.00 per day</del> <u>\$468.00 per day</u>
Arena.....	<del>\$473.00 per day</del> <u>\$496.00 per day</u>
Conference room.....	\$50.00 per day
Kitchen area next to the dome.....	\$150.00 per day

Kitchen area next to the annex .....	\$110.00 per day
Ground or parking area .....	<del>\$473.00 per day</del> <u>\$496.00 per day</u>
Concession area next to the dome .....	\$200.00 per day
Early entry fee for any part of Community Center .....	\$100.00 per hour
Fee for overnight security .....	\$150.00 per day

(c) Deposits. Cleaning and Damage Deposits. As per the terms of the "Victoria Community Center Regulations".

Dome.....	\$400.00
Annex.....	\$400.00
Arena.....	\$400.00
Dome Kitchen.....	\$100.00
Annex Kitchen.....	\$100.00
Grounds.....	\$400.00
Concession.....	\$100.00
Conference Room.....	\$50.00

(d) Accessory fees are non-refundable:

Tables.....	\$1.00/Table
Chairs.....	\$0.25/Chair
Portable Staging/section.....	<del>\$25.00</del> Includes removal/reinstall of Dome Stage <u>\$35.00/section</u>
Arena Watering Only.....	\$75.00
Marquee Advertising.....	<del>\$30.00</del> Includes one placement of wording; <u>\$40.00</u> any change will be an additional charge of \$30.00
Marquee Adv. Add. Days.....	\$ 5.00
R V Parking.....	<del>\$5.00</del> <u>\$10.00/day</u>
Storage Fee.....	\$50.00

(e) Down payments. Non-Refundable 15% down payment will be due 10 calendar days after issuance of contract.

(f) Late Fees. A late payment of 10% of the contract will be assessed if the balance is not paid by the stated due date on the contract.

(g) With the approval of the City Manager, the Director of Parks and Recreation may:

- (1) Determine rates for events scheduled more than two years after the date the reservation is made, and
- (2) Offer reduced rates for selected seminars, conventions and meetings in accordance with the Victoria Community Center Regulations.

**Section 24-122. Sewer Service Charges.**

(a) Sewer service base charge. The monthly sewer service base charge, based upon water meter size and with allowed gallonage, is established as follows:

<b>Meter Size</b>	<b>Monthly Base Charge</b>	<b>Gallonage Allowance Included in Base Charge</b>
3/4	\$21.85	2,000
1	\$54.64	2,000
1½	\$109.30	2,000
2	\$174.86	2,000
3	\$349.73	2,000
4	\$546.45	2,000
6	\$1,092.89	2,000
8	\$3,497.26	2,000
10	\$5,464.47	2,000

(b) Sewer service consumption charge. A monthly sewer service consumption charge shall be assessed and billed to each sewer system user in addition to the base charge. The consumption charge shall be computed by averaging the metered monthly water consumption during the computation period. The computation period shall consist of the last complete three-month period of December, January, and February that preceded the billing date. The sum of 2,000 gallons shall be deducted from the average monthly consumption in order to compute the adjusted average. The adjusted average shall be multiplied by 90% to compute the net billing average. The net billing average charge shall be computed and billed to each customer, in addition to the base charge, according to the following schedule, in 1,000 gallon increments, subject to the gallonage included in the base rate.

First 2,000 gallons usage	included in base charge
3,000 through 7,000 gallons usage	\$2.22 per 1,000 gallons
8,000 through 18,000 gallons usage	\$2.27 per 1,000 gallons
19,000 through 50,000 gallons usage	\$2.32 per 1,000 gallons
51,000 through 75,000 gallons usage	\$2.37 per 1,000 gallons
76,000 through 100,000 gallons usage	\$2.52 per 1,000 gallons
Over 100,000 gallons usage	\$2.67 per 1,000 gallons

(c) The aforementioned rates for sewer service charges shall be multiplied by 1.5 for patrons receiving sewer services outside the territorial limits of the city.

(d) Hauled or trucked wastewater. Hauled or trucked wastewater discharged directly to the Regional Wastewater Treatment Plant in accordance with Section 13-105 of the Victoria City Code shall be charged at a rate of \$82.85 per thousand gallons plus any additional applicable taxes.

(e) Hauled or trucked grit trap waste. Hauled or trucked grit trap waste disposed of at the Regional Wastewater Treatment Plant will be charged at a rate of \$43.25 per thousand gallons plus any additional applicable taxes.

**Section 24-126. Fees for Tap Installation, Service Line Extensions, Fire Hydrant and Manhole Installations.**

The fee for the installation by the City of tops on existing water mains for the connection of new water mains is established as follows:

<u>Existing Main Size (inches)</u>	<u>New Main Size (inches)</u>	<u>Connection Fee (inches)</u>	
24	16	Based on Actual Cost	
24	12	<del>\$6,375.00</del>	<u>\$6,525.00</u>
24	10	<del>\$5,490.00</del>	<u>\$5,560.00</u>
24	8	<del>\$4,280.00</del>	<u>\$4,350.00</u>
24	6	<del>\$3,670.00</del>	<u>\$3,750.00</u>
24	4	<del>\$3,560.00</del>	<u>\$3,620.00</u>
20	16	Based on Actual Cost	
20	12	<del>\$6,130.00</del>	<u>\$6,445.00</u>
20	10	<del>\$4,890.00</del>	<u>\$5,275.00</u>
20	8	<del>\$4,560.00</del>	<u>\$4,780.00</u>
20	6	<del>\$3,610.00</del>	<u>\$3,670.00</u>
20	4	<del>\$3,240.00</del>	<u>\$3,360.00</u>
16	16	Based on Actual Cost	
16	12	<del>\$5,720.00</del>	<u>\$6,125.00</u>
16	10	<del>\$4,560.00</del>	<u>\$5,075.00</u>
16	8	<del>\$3,930.00</del>	<u>\$4,530.00</u>
16	6	<del>\$3,400.00</del>	<u>\$3,550.00</u>
16	4	<del>\$3,040.00</del>	<u>\$3,150.00</u>
12	12	<del>\$5,200.00</del>	<u>\$5,660.00</u>
12	10	<del>\$4,020.00</del>	<u>\$4,490.00</u>
12	8	<del>\$3,430.00</del>	<u>\$3,460.00</u>
12	6	<del>\$2,970.00</del>	<u>\$3,195.00</u>
12	4	<del>\$2,780.00</del>	<u>\$2,940.00</u>
10	10	<del>\$3,600.00</del>	<u>\$4,070.00</u>
10	8	<del>\$2,990.00</del>	<u>\$3,050.00</u>
10	6	<del>\$2,520.00</del>	<u>\$2,550.00</u>
10	4	<del>\$2,140.00</del>	<u>\$2,170.00</u>
8	8	<del>\$2,440.00</del>	<u>\$2,475.00</u>
8	6	<del>\$2,080.00</del>	<u>\$2,115.00</u>
8	4	<del>\$1,720.00</del>	<u>\$1,860.00</u>
6	6	<del>\$2,100.00</del>	<u>\$2,110.00</u>
6	4	<del>\$1,720.00</del>	<u>\$1,860.00</u>

Note: Prices do not include cost for boring and casing, if required. Pricing for boring and casing to be added to these prices based on actual cost.

Fees for installation or extension of water service lines by the City from the tap to the property line:

<u>Diameter of Service Line</u>	<u>Cost per linear foot</u>
4"	\$36.00 per linear foot
6"	\$38.00 per linear foot
8"	\$43.00 per linear foot
10"	\$70.00 per linear foot
12"	\$75.00 per linear foot
16"	\$140.00 per linear foot

Fee for installation of a single fire hydrant on a water service line extension . . . - ~~\$4,800.00~~ \$5,000.00.

Fee for installation of a manhole at depths of 10 feet and less ... \$5,050.00

Prices for manholes installed at depths greater than 10 feet will be based on actual cost.

Note: Water Service Lines will only be extended and manholes and hydrants will only be installed by the City when approved by Director of Public Works

**Sec. 24-130. - Advance payment of base; disconnection for nonpayment.**

The base rate for water services shall be due and payable monthly in advance, together with any consumption charges accrued for the preceding month(s). If these charges are not paid within 24 days after the billing date indicated on the bill, the Utility Billing Office may terminate the account and cause the water service to be disconnected without further notice except as may be required by law, and the account shall not be restored nor the water service reconnected until such charges, together with an additional nonpayment fee of \$25.00, are paid. If the service is to be restored during non-business hours the nonpayment fee shall be \$30.00. In the event the City is required to ~~remove or~~ lock a water meter because of unauthorized use by a user, the user shall be charged an additional lock fee of \$25.00 for ~~removing or~~ locking the meter. In the event that the City finds the lock broken a ~~\$15.00~~ \$25.00 broken lock fee shall be added to the \$25.00 lock fee. If the cut-off is broken, the cut-off will be replaced and the customer shall be charged for the replacement of the cut-off in accordance with the fee structure established in this article. In the event the City is required to remove a water meter because of continued unauthorized use by a user, the user shall be charged an additional meter removal fee of \$35.00. In the event that service tampering is discovered, the user shall be charged an additional \$35.00 service tampering fee.

**Sec. 24-131. Miscellaneous Fees**

The following fees shall be charged for miscellaneous services relating to water and wastewater:

Utility Billing Fees

Meter re-read fee.....	\$10.00 if the previous reading was correct
Meter test fee.....	Meters 2" and smaller - \$25.00 if the meter tests within established AWWA standards Meters 3" and larger – fee to be established by the Director of Utilities based on actual costs if the meter tests within established AWWA standards.

Field operations/water production

Curb stop replacement (when broken by other than city personnel)

3/4" cut-off . . . \$125.00

1" cut-off . . . \$140.00

Turning on/off water at meter . . . \$25.00 (May be waived by Director of Public Works if the customer installs a private cut-off on customer's side of the meter by the customer at the customer's expense within seven (7) calendar days.)

Moving meter (up to fifteen (15) feet)

3/4" . . . .	\$ 350.00
1" . . . . .	\$ 375.00
1 1/2" . .	\$ 750.00
2" . . . . .	\$1,115.00

Note: Prices for moving 3" and larger meters will be based upon actual cost.

Moving meter 15 – 30 feet

3/4" . . .	\$ 545.00
1" . . . . .	\$ 570.00
1 1/2" . .	\$ 820.00
2" . . . . .	\$1,585.00
3"--10"	Based upon actual cost

Note: When an existing meter or meter prestub is located in an area that will conflict with proposed driveway or sidewalk installations, the customer will be required to have the meter or meter prestub moved in accordance with the fees established in this article.

Note: Meters will not be moved more than 30 feet unless approved by the Director of Public Works.

Raising or adjusting meters (where the customer has filled or cut-down the property after the meter has been installed)

3/4" . . .	\$160.00
1" . . . . .	\$200.00
1 1/2" . .	\$785.00
2" . . . . .	\$870.00
3" to 10"	Based upon actual cost

Moving or adjusting elevations of sanitary sewer services (less than fifteen (15) feet)

4" . . . .	<del>\$410.00</del> <u>\$650.00</u>
6" . . . .	<del>\$430.00</del> <u>\$700.00</u>
8" . . . .	<del>\$490.00</del> <u>\$800.00</u>

Moving sanitary sewer services (more than fifteen (15) feet)

4" . .	<del>\$410.00</del> + <del>\$28.00</del> <u>\$650.00</u> + <u>\$43.50</u> per linear foot in excess of 15 feet
6" . .	<del>\$430.00</del> + <del>\$29.00</del> <u>\$700.00</u> + <u>\$47.00</u> per linear foot in excess of 15 feet
8" . .	<del>\$490.00</del> + <del>\$32.00</del> <u>\$800.00</u> + <u>\$54.00</u> per linear foot in excess of 15 feet

Note: When an existing sanitary sewer prestub is located in an area that will conflict with proposed driveway installations, the customer will be required to have the prestub moved in accordance with the fees established in this article.

Industrial pretreatment charges

Notice of violation (per notice) . . . . .	\$ 50.00
Administrative order (per order) . . . . .	\$ 100.00
Show cause hearing (per hearing) . . . . .	\$ 500.00
Submittal deficiency reports (per report) . . . . .	\$ 50.00
Compliance inspection due to violation (per inspection) . . . . .	\$ 50.00

Industrial pretreatment permit fees

Minor (annual renewal) . . . . .	\$ 125.00 per year
Significant (annual renewal) . . . . .	\$ 200.00 per year
Categorical (annual renewal) . . . . .	\$ 500.00 per year
Sampling (with city specified sampling port) . . . . .	\$ 300.00 plus the actual cost of analysis
Sampling (without city specified sampling port) . . . . .	\$ 400.00 plus the actual cost of analysis

Waste Hauler Permits

The annual fee for processing a wastewater or grit hauler permit application and issuing a permit shall be \$150.00 per year.

Well permits

The fee for processing a permit application and a permit for a water well or an environmental monitoring well shall be as follows:

Permit fee for well less than 50 feet deep . . . . .	\$ 50.00
Permit fee for environmental monitoring well (50 to 100 feet deep) . . . . .	\$125.00 + \$25.00 per well
Permit renewal fee for environmental monitoring well (payable annually) . . . . .	\$50.00 + \$5.00 per well
Permit fee for well in excess of 50 feet deep other than environmental monitoring well . . . . .	\$225.00 + \$25.00 per well (requires city council approval for permit)

Fees for generators of grease or grit trap waste

Late submittal of report (per report) . . . . .	\$10.00, plus \$5.00 per business day the report is late
General inspection fee for special generators (per inspection) . . . . .	\$ 50.00
Sampling (with city specified sampling port) . . . . .	\$300.00 plus the actual cost of analysis
Sampling (without city specified sampling port) . . . . .	\$400.00 plus the actual cost of analysis
Fee for clearing grease stoppages that can be traced to a commercial facility . . . . .	based upon actual costs

Out-of-city water and sewer service charge.....50% of water service charge and sewer service charge (to be added to ordinary water and sewer charges) (not applicable to customers whose charges are calculated otherwise by contract).

Industrial wastewater surcharge.

Section 13-110 definitions shall apply to this subsection. The additional monthly industrial wastewater surcharge shall increase the monthly sewer service charge for a user who has had a sampled BOD concentration greater than 200 mg/l and a TSS concentration greater than 250 mg/l by multiplying the charge factor by the wastewater use charge, and adding it to the sewer service charge as shown below:

Charge factor = [.3 × (sampled BOD concentration/200 mg/l BOD)] + [.3 × (sampled TSS concentration/250 mg/l TSS)] + 0.4

Sewer rate per 1,000 gallons = the rate that the city charges per 1,000 gallons discharged above the monthly minimum in accordance with Section 24-122 of the Victoria City Code.

Wastewater Use Charge = (sewer rate per 1,000 gallons x gallons discharged) / 1,000

Industrial Wastewater Surcharge = Charge factor x Wastewater Use Charge

Total monthly wastewater charge for surcharged user = industrial wastewater surcharge + sewer service charges per Section 24-122

This industrial wastewater surcharge shall apply to grease or grit generators that are deemed to be "users" pursuant to Section 13-131 of the City Code.

If an entity is required to sample its wastewater, then the monthly sewer service consumption charge in Section 24-122 shall be assessed and billed to each sewer system customer on the basis of its metered monthly water consumption. A sampled entity shall not be entitled to a gallonage allowance included in the base charge and shall not be entitled to a computation period based on the last complete three-month period of December, January, and February that preceded the billing date.

2.

All parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

3.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this 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.

4.

It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Victoria, Texas, and it may be renumbered and codified therein accordingly, in the manner approved by the City Attorney. The Code of the City of Victoria, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

This ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Victoria, Texas.

PASSED FIRST READING, this the 7<sup>th</sup> day of December, 2010.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

PASSED SECOND READING, this the 14th day of December, 2010.

AYES: 7

NAYS: 0

ABSTENTIONS: 0


PASSED THIRD READING, this the 14th day of December, 2010.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 14th day of December, 2010.

  
\_\_\_\_\_  
WILL ARMSTRONG, Mayor of the  
City of Victoria, Texas

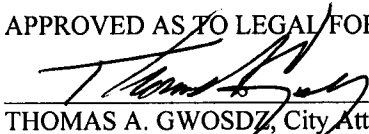


ATTEST:

  
SCARLET SWOBODA, City Secretary

Distribution:    Legal Department  
                      City Secretary's Office

APPROVED AS TO LEGAL FORM:

  
THOMAS A. GWOSDZ, City Attorney

Copies Sent: December 15, 2010