

ORDINANCE NO. 2021-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHEROKEE, OKLAHOMA, AMENDING CHAPTER 18, SECTION 17-413 OF THE CHEROKEE MUNICIPAL CODE 2021, EXTENDING THE EFFECTIVE DATE FOR NEW WATER RATES FROM JANUARY 1, 2022 UNTIL JUNE 1, 2022; REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; AND DECLARING AN EMERGENCY

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE, OKLAHOMA:

Section I: Chapter 18, Section 17-413 of the Cherokee Municipal Code 2020 is hereby amended and shall read as follows:

Section 17-413 Water Rates

A. Water Rates.

Without regard to the service period, all Residential Consumers billed for water service mailed by the City of Cherokee after August 1, 2021, shall provide for payment of the following monthly rates and minimum charges:

For the first 3,000 gallons	\$47.94 (base rate) ¹
For over 3,000 to 4,000 gallons	\$4.00
For over 4,000 to 5,000 gallons	\$4.25
In excess of 5,000 gallons	\$4.50 per thousand gallons

Without regard to the service period, all Residential Consumers billed for water service mailed by the City of Cherokee after June 1, 2022 ~~January 1, 2022~~, shall provide for payment of the following monthly rates and minimum charges, and the water rates provided hereinabove shall be superseded as follows:

¹ The minimum Fee of \$47.94 is if the utility customer has a 5/8" meter. The following minimums shall apply if the customer's water meter is larger:

3/4" meter size	\$71.91
1" meter size	\$119.85
1.5" meter size	\$239.70
2" meter size	\$383.52
3" meter size	\$838.95
4" meter size	\$2397.00
6" meter size	\$2397.00

For the first 1,000 gallons	\$47.94 (base rate) ²
For over 1,000 to 2,000 gallons	\$3.50
For over 2,000 to 3,000 gallons	\$3.75
For over 3,000 to 4,000 gallons	\$4.00
For over 4,000 to 5,000 gallons	\$4.25
In excess of 5,000 gallons	\$4.50 per thousand gallons

All new customers of water, sewer and trash shall make a deposit with the City Clerk in the amount of \$200.00 as a guarantee that services furnished to the consumer will be paid promptly when due, such deposit will be returned, after deduction for sums due the City, to the depositor when the person shall cease to be a customer.

Any person receiving water through a meter supplied by the City who desires to have the accuracy of same tested, may do so by making a deposit of Ten Dollars (\$10.00) with the cashier of the department. The superintendent will then make a proper test of such meter and if after proper test it is found to be incorrect more than two percent (2%) in favor of the city, the deposit of Ten Dollars (\$10.00) shall be returned to the consumer and correction made only for that month for which the bill was last rendered. If, however, the meter is found to be correct, then the Ten Dollars (\$10.00) shall become the property of the city and be paid to the credit of the water fund. In case of a meter failing to register, the monthly water rent due the city shall be determined by an average of the three (3) previous months that the meter registered. In all cases where the consumer's piping or plumbing is divided, thus necessitating the use of two (2) meters, each meter shall be handled and regarded as for separate and distinct consumers to each of which will apply the regular water rates and minimum charges until such plumbing or piping is so arranged as to permit the use of but one meter. Under no circumstances shall the consumption be added or "lumped" in order to reduce the net sum due the city.

Bulk water is \$0.02 per gallon for RO water.

After August 1, 2021, the water tap fee shall be Fifteen Hundred Dollars (\$1,500.00) with the customer responsible for any road or street bore, if applicable.

Section II. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

² The minimum Fee of \$47.94 is if the utility customer has a 5/8" meter. The following minimums shall apply if the customer's water meter is larger:

3/4" meter size	\$71.91
1" meter size	\$119.85
1.5" meter size	\$239.70
2" meter size	\$383.52
3" meter size	\$838.95
4" meter size	\$2397.00
6" meter size	\$2397.00

Section III. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section IV. CODIFICATION. This ordinance shall be codified as herein provided.

Section V. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Council of the City of Cherokee that this section of the Cherokee Municipal Code would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section VI EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the City and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect in order to immediately extend the effective date of certain water rates; By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

Approved and executed this ___ day of _____ 2021.

THE CITY OF CHEROKEE, OKLAHOMA

Kolby Arnold, Mayor

(Seal) ATTEST:

Amber K. Wilhite, City Clerk

Approved as to Content:

Approved as to Form and Legality:

Michael Jones, City Manager

Bryce S. Kennedy, City Attorney