

**CITY OF KEMP
ORDINANCE 07-14**

AN ORDINANCE AMENDING CHAPTER 10, SECTION 2, OF THE CODE OF ORDINANCES OF THE CITY OF KEMP, TEXAS TO PROVIDE FOR NEW WATER AND SEWER RATES: FEES AND BILLING PROCEDURES; PROVIDING FOR REPEAL FOR ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMP, TEXAS THAT CHAPTER 10, SECTION 2, OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION I

A. WATER AND SEWER TAP FEES:

The one time tap fee for water service where adequate water mains exist shall be six hundred fifty dollars (\$650.00) for a ¾ inch meter and tap, and nine hundred dollars (\$900.00) for a 1-inch meter and tap for customers inside the city limits.

The one time water tap fee for customers outside of the city limits will be nine hundred dollars (\$900.00) for a ¾ meter and tap, and eleven hundred fifty dollars (\$1150.00) for a 1-inch meter and tap.

Where in the opinion of the water department, a larger water meter is required; the cost difference for a larger meter shall be borne by the customer in addition to the tap fee.

The cost of a sewer tap in the city shall be four hundred fifty dollars (\$450.00).

The cost of sewer tap in the city above 4" shall be the four hundred fifty dollars (\$450.00) + cost of parts and labor.

There shall be no sewer taps installed outside the city limits.

These fees include all costs for installing the tap up to fifty (50) feet from the existing main to the edge of the customer's property. The customer will bear all costs for installation of lines or mains in excess of standard installation. In addition to standard tap fees.

B. DISCONNECTION FOR NON-PAYMENT:

A water and sewer bill shall be delinquent for the water and sewer amount. If a customer fails to make payment by the 16th of the month, the City water department shall promptly disconnect services. A reconnect fee of thirty dollars (\$30.00) plus full amount of water bill shall be paid prior to reconnection of service.

EXTENSIONS WILL NO LONGER BE ACCEPTED.

C. OBTAINING WATER BY ILLEGAL MEANS:

1. City to Pull Meter

If after the City has discontinued its services because of non-payment, the consumer subsequently cuts his water back on; the City will then pull its meter and assess an additional charge of two hundred dollars (\$200.00) on the first offense. Fines double on the second offense.

2. Returned checks

After a service disconnection, if the check or other instrument used to initiate reconnection of service is returned unpaid from the financial institution, service will be immediately disconnected. In such cases, the City shall require cash, a money order or other secured instrument before reconnecting service.

3. Penalty for Circumventing Meter

If after the City has pulled its meter, the consumer still obtains water by circumventing the meter; then there will be an additional charge of two hundred dollars (\$200.00).

4. General Penalty for Violations of Code

Whenever in this Code or in any Ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or Ordinance the doing of an act is required or any such Ordinance shall be punished by a fine not to exceed two hundred dollars (\$200.00); provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State. Each day any violation of this Code or of any Ordinance shall continue shall constitute a separate offense.

D. INSUFFICIENT FUNDS CHECK CHARGE:

From time to time, customers may render checks in payment of water and sewer service, which the city is unable to collect from the customer’s bank because of insufficient funds within the customer’s account. The insufficient funds check charge for any check which is returned from the bank of record due to insufficient funds shall be twenty-five (\$25.00) for each such check, each time the City attempts collection. Any customer who renders more than two (2) insufficient funds checks for payment of services shall be required to pay for all future services by cash, cashier’s check, or money order. For the purposes of the City, checks returned for insufficient funds shall include checks drawn on closed accounts.

SECTION II

All persons or businesses receiving treated water or discharging wastewater into the sewer system of the City of Kemp, Texas shall pay a charge to cover all costs of providing water and sewer service. The following rates and regulations are hereby established and shall be enforced by the City Council of the City of Kemp.

A. IN CITY RESIDENTIAL

1.	Water	Base (1000 gallons)	\$21.11
		Second 1000	\$ 3.86
		Per 1000 (3000 to 8000 gallons)	\$ 4.01
		Per 1,000 (9,000 gallons and up)	\$ 4.58
2.	Sewer	Base (1000 gallons)	\$22.00
		Second 1000	\$ 2.50
		Per 1,000 over 2000	\$ 2.60

B. IN CITY COMMERCIAL

1.	Water	Base (1000 gallons)	\$22.14
		Second 1000	\$ 4.12
		Per 1000 (3000 to 8000 gallons)	\$ 4.58
		Per 1000 (9000 gallons and up)	\$ 4.78
2.	Sewer	Base (1000 gallons)	\$23.00
		Second 1000	\$ 2.75
		Per 1000 over 2000	\$ 2.90

C. OUT OF CITY RESIDENTIAL

1.	Water	Base (1000 gallons)	\$ 33.73
		Second 1000	\$ 4.37
		Per 1000 (3000 to 8000 gallons)	\$ 4.63
		Per 1000 (9000 gallons and up)	\$ 4.99
2.	Sewer	Base (2000 gallons)	\$34.00
		Second 1000	\$ 3.00
		Per 1000 over 2000	\$ 3.50

D. OUT OF CITY COMMERCIAL

1.	Water	Base (1000 gallons)	\$ 59.74
		Second 1000	\$ 5.15
		Per 1000 (3000 to 8000 gallons)	\$ 5.40
		Per 1000 (9000 gallons and up)	\$ 5.66
2.	Sewer	Base (1000 gallons)	\$45.50
		Second 1000	\$ 3.25
		Per 1000 over 2000	\$ 3.50

E. MISCELLANEOUS

DEPOSITS:

OWNER:	\$ 40.00
RENTER:	\$200.00
CONNECT FEE	\$ 20.00
RECONNECT FEE	\$ 30.00
SECOND RECONNECT	\$100.00 Additional Deposit Required
WITHIN ONE YEAR	

SECTION III

A. BILLING COMPLAINTS

In the event of a water/sewer billing complaint, the City's Water Department will arrange for a reread of the water meter within 24 hours. If the meter is registering correctly, the customer will be notified and the billing amount due shall be considered correct.

If the meter proves to be malfunctioning, the City's Water Department shall have the meter replaced and the billing department shall adjust the customer's bill. The customer's bill shall be adjusted based on the annual computed average billed to the customer's account, less the disputed amount.

B. WATER BOARD HEARING

A customer may request a Water Board hearing for any water/sewer billing complaint at any time prior to the 16th of the month.

In the event the Water Clerk and customer cannot resolve the billing complaint, the Water Clerk shall automatically contact the City Administrator to schedule a Water Board Hearing.

If the customer disputes the accuracy of the meter, the Board can request that the customer's meter be pulled and sent to the nearest licensed laboratory for calibration testing. If requested, fifty percent (50%) of the amount currently due and all past due amounts shall be paid prior to pulling the meter. Additionally, should the results reflect that the meter is functioning properly, the customer shall bear all costs for the testing including shipping and handling. A reconnect fee of thirty dollars (\$30.00) plus any amount due shall be received or service will be interrupted.

If the meter is defective, the City shall replace the customer's meter free of charge and the Board shall adjust the customer's account per Section III, Category A, paragraph 2.

The Water Board shall consist of the Public Works Director, Water Clerk, Citizen, and a water department field representative, the City Administrator, Mayor, and/or Council Member.

The Water Board shall meet the 3rd Thursday of the month at 12:00 p.m. at the City Hall Council Chambers. The Water Clerk shall record the meeting. The Water Clerk shall provide all pertinent information regarding the customer's account. The customer shall provide any additional information for the Board to review.

The purpose of the Water Board shall be to review and cause to have investigated all of the facts related to the dispute, and to render a decision based on the findings. After a thorough review of all evidence, the Board reserves the right to exercise discretion, waive any and all applicable fees in the best interest of the customer.

If the customer is not present during the hearing, the Water Clerk shall notify the customer of the Water Board decision. The customer shall have the right to appeal to the City Council within 10 days of the Water Board's decision.

The city Council shall review the matters of the complaint and take action at the earliest scheduled Council meeting. The decision of the City Council shall be final.

SECTION IV

It is hereby declared to be the intention of the City Council that the Sections, paragraphs, sentences, clauses, and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph, or Section of this Code shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and Sections of the Code, since the same would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph, or Section.

PASSED, APPROVED AND EFFECTIVE ON THE NEXT BILLING FOLLOWING THIS THE 11TH DAY OF SEPTEMBER, 2007

Billy M. Teel, Mayor

ATTEST:

Teri D. Murdock, City Secretary