

Ordinance No. 05112021

**AN ORDINANCE OF THE CITY OF KOSSE, TEXAS DECLARING THE AMENDING AND SETTING OF WATER RATES, SEWER RATES, TAP FEES, ADDRESSING WATER AND SEWER SERVICE CONNECTION, METER ACCURACY CHECKS, METER TAMPERING OR BYPASSING, DISCHARGE OF ILLEGAL WASTES, BILLING PROCEDURES, DISCONNECTING SERVICE, PROVIDING THAT VIOLATION OF ORDINANCE IS AN OFFENSE AND ESTABLISHING A CRIMINAL PENALTY THEREFORE, PROVIDING A SEVERABILITY AND A REPEALER CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KOSSE, LIMESTONE COUNTY, TEXAS.

**1.  
WATER RATES**

1.01 In this Ordinance, there be and there are hereby-established rates and charges for the water system of the City. Such rates or charges shall be based upon the amount of water supplied by the municipal waterworks as shown by the water meter, estimated usage or flat rate service, as applicable, for each month of each calendar year. All users of the municipal waterworks system shall be charged for each of the twelve (12) months of the calendar year the rates hereinafter set out as follows:

- (1) Water rates in the City:
  - A. Monthly base rate \$32.00
  - B. Per 1,000 gallons \$ 8.50
  
- (2) Water rates out of City:
  - A. Monthly base rate \$50.00
  - B. Per 1,000 gallons \$11.00
  
- (3) Commercial Rates:
  - A. Monthly Base Rate \$50.00
  - B. Per 1,000 gallons \$10.00
  
- (4) Bulk water provided to other public utility facilities shall be charged at a wholesale bulk rate negotiated by contract. The collection of the water must be in accordance with the guidelines of the TCEQ.

**2.  
SEWER RATES**

2.01 In this Ordinance, there be and there are hereby established rates and charges for the sewer system of the City. Such rates or charges shall be based on the amount of water supplied by the municipal waterworks as shown by the water meter based on the average water usage for the months of December, January and February. **PROVIDED:** THAT THE CUSTOMER IS TAPPED INTO THE SEWER SYSTEM. Monthly rates are as follows:

- (1) Residential Sewer rates in the City:
  - A. Monthly base rate \$21.25
  - B. Monthly usage rate covered by base rate.
  
- (2) Commercial Sewer rates:
  - A. Monthly Base Rate \$32.50
  - B. Per 1,000 gallons \$ 3.00
  
- (3) Sewer services are not provided outside of the City.

**3.**  
**Master Meters**

Master-Metered Customers are customers such as master-metered apartment complexes or apartment buildings, master-metered trailer parks, master-metered recreational vehicle parks, hotels and motels, serving 10 or more units or spaces (whether or not occupied).

Master-Metered Customers will be charged a monthly Master Meter Service Charge as their base rate (rate that is paid regardless of volume used). The Master Meter Service Charges are:

Water	\$100.00 per month
Sewer	\$32.50 per month

Common area buildings or other structures on the property that are not used for transient or permanent residences and are connected to City utilities will incur a base charge of:

Water	\$50.00 per month
Sewer	\$32.50 per month

In addition, Master-Metered Customers shall pay a volume charge per thousand gallons of:

Water	\$10.00 per thousand
Sewer	\$ 3.00 per thousand

The Monthly Base Rates set forth above shall be paid each month even if there is no water usage.

Sewer services are not provided outside of the City.

**3.**  
**SERVICE CONNECTIONS**

**3.01 Water Service Connections:**

(l) Tap Fees. A tap fee will be charged for the initiation of services, where no service previously existed.

A. An additional fee may be charged to a residential service applicant for a tap expense not normally incurred; for example, a road bore. The charge will be the additional cost actually incurred by the City.

B. Tap Fees are as follows:

Residential (in City)	\$800.00
Residential (outside City)	\$1,200.00
Commercial	\$1,200.00
Master Meter	\$1,200.00

C. All tap fees are to be paid in full before the tap is installed.

(2) Water Installation and Service Connections

A. Service applicants are responsible for providing the City with connection requests in writing. An application must be completed and provided to the City. Application for connections shall be made at Kosse City Hall by the OCCUPANT(S). Connections will generally require the customer be at home to insure no leaks are present. Water will not be connected if leaks are detected.

B. A service connection fee (applicable only if water is already in place) of \$50.00 is required for any service connection to be made.

C. A utility deposit of \$100.00 for residential rental connections and \$100.00 for commercial connections will be required on all new and delinquent applicants.

D. All connections shall be made under the supervision of the Public Works Director and no connection shall be covered until said Director inspects the work and approves the same.

E. The customer shall be responsible for furnishing and laying the necessary customer service lines from the City's line to the service address. All connections must be in accordance with applicable City and State regulations.

F. All lines provided by the customer outside of the boundaries of his/her property shall become the property of the City. The customer must procure all necessary easements for the line in favor of the City at his/her sole expense.

G. The customer service line and appurtenances installed by the customer shall be constructed in accordance with the laws and regulations of the State of Texas governing plumbing practices, the City's requirements, the applicable plumbing code, and be approved by the City Public Works Director.

H. The customer is responsible to maintain the customer's service line on his/her property and any appurtenances on his/her property in good operating condition. The lines and appurtenances on the customer's property shall remain the property of the customer for which the customer retains all obligations of repair and maintenance.

I. The customer may be charged for moving a meter for the convenience of the customer. The customer may be charged should the customer request to replace a meter with a

meter of another size or capacity. This included any necessary line enlargement. The charge will be the actual cost to the City of such work.

- J. Customers are required to have a “cut-off” on the customer side from the meter box for personal use.
- K. Except where approved in advanced by the Public Works Director where unique circumstances exist, only one meter per house and lot is acceptable. Homes and lots with sprinkler systems are allowed to have a separate meter for operating the sprinkler system. Charges are based on usage.
- L. Fences must be placed behind meters in order for City access.
- M. Water meters are specifically for the property upon which they are initially located. A customer has no right to sell, barter, or exchange a water meter over to the owner of a different property, and any such purported sale, barter, or exchange will not be recognized by the City for purposes of municipal service.

(3) Extension of Service Outside the City Limits.

- N. Application. A person seeking to become a water customer of the City who has a service address outside of the City limits must apply for service as required in this Ordinance.
- O. Feasibility Study and Fee. The City will conduct a feasibility study to determine whether extension of a main to serve the person is feasible technically and financially. The fee to the applicant for this study is \$100.00 which must be paid before the study will be undertaken.
- P. Other Provider’s Area. If the service address is in the certificated area of another water provider, and the person has been denied service by that provider, the person must obtain a release of the area by the other provider or a consent for the City to serve the area.
- Q. Extension of Main. The City installs all mains. The customer is responsible for the full cost of the extension (materials, labor, and equipment time) except as set forth below. The customer will be required to pay the estimated cost of the extension up front. If the actual cost is more, the customer shall be responsible for the additional cost. If the actual cost is less, the City will rebate the savings to the customer. After installation, the main becomes the property of the City. Paying for the installation does not entitle the customer to sole use of the main.
- R. City Participation. If the City foresees growth in the area, it may require a larger diameter main than what the customer requires for their own service. In that case, the City will enter into a participation agreement with the customer agreeing to pay the difference in the price of materials and labor for the larger diameter line.

R1. Reimbursement.

- A. For purposes of this Section the term “Developer” shall mean the person or entity who paid for the extension of the water main outside the City limits at his/her/its sole cost and expense.
  - B. Upon completion of a main outside the City limits the City will determine the cost per linear foot of the extension [tap fee and other fees to the City not included].
  - C. Linear Frontage” as used herein shall mean the linear distance that a property owner’s property parallels or fronts the water main.
  - D. For a period of seven (7) years after the water main becomes operational any person or entity desiring to tap into the water main must, in addition to the tap fee and any other costs required by this ordinance, pay to the City a sum equal to their property’s Linear Footage multiplied by the cost per linear foot addressed above. The City will then pay that sum to the Developer. After seven (7) years the cost becomes non-reimbursable and will not be collected by the City.
  - E. If the City has participated in the oversizing of the main, the City portion of the cost is not considered for purposes of this Section.
- S. Pumps. Only persons outside the City limits that can be served with the City’s distribution capabilities will be considered. Service addresses requiring additional pump(s) will not be considered unless the customer is the owner and caretaker of the pumps.

T. Miscellaneous.

Inactive Meters. An inactive meter is a meter that has not had an active service account with the City for a period of more than 60 days. When no active account exists for a property with a meter, the last known owner of the property will be sent a notice to the owner’s last known address notifying the owner that unless an account is established within 60 days of the date of the notice the meter will be pulled. An “active service account” is a billing account whereby the customer is billed and pays at least the monthly base rate for water service even if no water is used.

If a meter is pulled, to re-establish service at the address, the person seeking to re-establish service will be required to pay, in addition to the normal deposits and connection fees, a meter restoration fee. The Meter Restoration Fee shall be \$400.00.

Meter connections once terminated are not guaranteed the availability of the reconnect service. Abandoned and terminated water connections will not be connected with new water supply lines once meter connections are terminated, as they will no longer be considered a part of or a responsibility of the City. Meter service connections not readily exposed or located will require a new tap fee and criteria.

All water customers within the City must have and pay for garbage service provided through the City’s provider with the exception of agricultural water connections.

Senior citizens may receive a discount for garbage service only. Customer must present a valid I.D. and be 65 or older.

(4) Sewer Service Connections:

A. An additional fee may be charged to a residential service applicant for a tap expense not normally incurred: for example, a road bore for service applicants outside of a subdivision or residential area. The charge will be the additional cost actually incurred by the City.

B. Tap Fees are as follows:

Residential	\$800.00
Commercial	\$1,000.00
Master Meter	\$1,000.00

C. A utility deposit of \$100.00 for residential rental connections and \$100.00 for commercial connections will be required on all new and delinquent applicants.

D. Each service address must have a sewer clean-out on private property. All connections must be in accordance with applicable City and State regulations.

E. The customer shall be responsible for furnishing and laying the necessary customer service line from the City's line to the service address. The customer service line and appurtenances installed by the customer shall be constructed in accordance with the laws and regulations of the State of Texas governing plumbing practices, the City's requirements, the applicable plumbing code, and be approved by the City Public Works Director.

F. All clean-outs shall be covered by a tight-fitting lid to prevent storm water from entering the system. The customer shall install and maintain the lid on the clean-out; and shall only remove the same when necessary to clean-out the line and replacing the same immediately thereafter.

G. All service lines provided by the customer outside the boundaries of his/her property shall become the property of the City. The customer must procure all necessary easements in favor of the City for the line at his/her sole expense to the extent the line cannot be laid in public right-of-way. The lines and appurtenances on the customer's property shall remain his/her property for which the customer retains all obligations of repair and maintenance.

H. Customers that are having sewer problems such as a backed-up line must have the private lines checked. In the event that a problem still occurs the customer may call the City to the site of the problem to investigate. Customers are required to show adequate proof of service on the date of service. Service calls made by the City to customers where the problem is on private line will be required to pay the bill for the service call. The City will send a separate bill for service calls.

4.

EMERGENCY WATER

- 4.01 In the event of the complete inability of the City of Kosse’s water system to function requiring the purchase of all of the water necessary to serve the City’s customers from an emergency supplier, the Rate per 1,000 gallons to be charged to customers by the City of Kosse shall be the greater of the rate set by the City of Kosse for provision of water from the City’s own sources, or the rate paid by the City of Kosse to the emergency supplier (“EMERGENCY WATER RATE”).
- 4.02 In the event that the City of Kosse water system is not completely unable to meet demand, but must be supplemented by the purchase of water from an emergency supplier, and the rate charged to the City of Kosse by the emergency supplier for the water purchased by the City of Kosse is greater than the rate charged by the City of Kosse to its customers, the Rate per 1,000 gallons to be charged to customers by the City of Kosse shall be an effective blended rate arrived at by dividing the number of gallons of water purchased by the City of Kosse from the emergency supplier by the total gallons supplied to customers for the billing period to come to a percentage, then applying that percentage to each customer’s usage to determine the portion of the customer’s usage that will be billed at the City of Kosse’s regular rate, and the portion that will be billed at the EMERGENCY WATER RATE.

5.

METER ACCURACY CHECKS.

- 5.01 Customers are responsible for all water usage as indicated by the meter reading. If a customer requests a meter to be removed or checked for accuracy, the customer will be requested to complete a water meter accuracy request form available from the City. Meters removed for testing by an independent entity, and an accuracy report is returned to the City. Customers will be billed \$25.00 if test results indicate that the meter was working within the acceptable limits of AWWA (American Water Works Association). Meters that indicate a percentage read of 105% or more will be given a credit equal to the amount of overage for the previous month billing and the meter will be repaired or replaced. The City reserves the right to replace water meters for any reason.
- 5.02 Customers that request meters to be re-read after the City has already verified the reading will be charged a \$10.00 fee for re-reads when there is no indication to City staff from the re-read(s) that the meter is not accurate. The customer must complete a water meter re-read request form available from the City.

6.

METER TAMPERING OR BYPASSING

- 6.01 Meter tampering, bypass or diversion is defined as tampering with a water meter, sewer tap or equipment causing damage or unnecessary expense to the City, bypassing the same, or other instances of diversion, such as physically disorienting the meter, objects attached to the meter to divert service or to bypass, insertion of objects into the meter, other electrical and mechanical means of tampering with, bypassing or diverting City service removal or alteration of City owned equipment or locks, connection or reconnection of service without City authorization, or connection into the service line of adjacent customers or of the City is strictly prohibited by the Ordinance, and is considered theft of service and criminal mischief punishable under the *Texas Penal Code*. Provided that the City has evidence, direct or circumstantial, of such prohibited

activities, the service will be terminated immediately without notice. Service will not be restored until the meter tampering or bypass situation has been eliminated under the supervision of the Public Work Director. In addition, a reconnect fee and deposit will be required as if new service was being initiated. Moreover, any damages to the City equipment and any estimated loss in revenue will be assessed and paid by the customer before service is restored. The City will charge for labor, materials, equipment and all other actual costs necessary to repair or replace all equipment damaged due to negligence, meter tampering or bypassing or service diversion. Furthermore, such prohibited tampering, damage, and/or diversion is a violation of this Ordinance and a criminal offense under this Ordinance.

7.

CONNECTION TO CITY SYSTEM

- 7.01 Except where City water or sewer services are determined by the City not to be available because of the lack of City lines or circumstances which prevent service, every building or structure designed for human habitation or occupancy, and so use shall be connected to the City water and sanitary sewer systems.
- 7.02 Where connection to the City sanitary sewer is not available, the structure may be served by an on-site sewage facility which is designed in accordance with applicable Texas Commission on Environmental Quality regulations and has received all necessary permits. However, if that on site facility fails at a future date when sanitary sewer service is available to the structure, the structure must be connected to the City's sewer system even if this requires extension of lines from the boundary of the premises to the City's lines at the landowner or land occupier's expense. All applicants for water service to whom connection to the City's sanitary sewer system is not available must submit proof that any septic tank system installed has been inspected and permitted by Limestone County. The system permitted by Limestone County must have future inspections in accordance with Texas Commission on Environmental Quality regulations.
- 7.03 Before any person or firm shall be issued a building permit or certificate of occupancy for new construction or addition to existing structures, or for moving into the City limits a pre-built or partially built structure, the applicant for permit must first agree in writing to provide for connections to the City water supply and sanitary sewer system if such are available in the area.
- 7.04 Sanitary Facilities Required. It shall be unlawful for any person to reside in, lease for human habitation, or conduct business at a building or structure designed for human habitation or occupancy within the City limits where there is no sanitary toilet meeting applicable state health standards available and accessible to residents or persons conducting business on the premises.
- 7.05 Unsanitary Disposition Prohibited. It shall be unlawful for any person to maintain on his/her property a dry closet or privy for the receiving of human waste, or to dispose of such substances in any manner other than a properly sewered water closet.
- 7.06 Small privately owned lift stations that are connected to the City sewer system shall be designed in accordance with applicable Texas Commission on Environmental Quality regulations. There lift stations shall be maintained and inspected according to Texas Commission on Environmental Quality regulations. The City shall require the privately owned lift station's owner to sign a written statement that they agree to maintain and have inspections according to Texas Commission on Environmental Quality regulations at their expense.

8.

BILLING PROCEDURES AND PENALTIES

8.01 Deposits

- A. Residential service applicants are required to pay a deposit of \$100.00 for water and \$100.00 for sewer service. Commercial applicants are required to pay a deposit of \$100.00 for water and \$100.00 for sewer service.
- B. Every service applicant who has previously been a customer of the utility and whose service has been disconnected for nonpayment of bills, meter tampering, bypassing of meter or failure to comply with applicable state and municipal regulations will be required, before service is resumed, to pay all amounts in full due the City. A deposit will be required for the current service address.
- C. A receipt of deposit shall be issued to each service applicant from whom a deposit is received.
- D. The City will keep records to show:
  - 1. The name and address of each depositor
  - 2. The amount and date of the deposit
  - 3. Each transaction concerning the deposit
  - 4. A record of unclaimed deposits shall be kept for seven year, thereafter transferred to the City.
- E. If service is not connected or after disconnection of service, the City will automatically refund the service applicant's or customer deposit or the balance, if any, in excess of the unpaid bill of service.
- F. After two (2) years of service without a disconnect, a residential customer will be refunded all but \$50.00 of the deposits (\$25.00 for water and \$25.00 for sewer). After one (1) year of service without a disconnect, a commercial customer will be refunded all but \$100.00 of the deposits (\$50.00 for water and \$50.00 for sewer).

8.02 Billing

- A. Bills for service shall be rendered monthly and shall be calculated according to the rates approved by the City Council and the meter readings at the service locations (unless the City is authorized or finds it necessary to use estimates). The use of estimating based on historical average use may be used in the event of a meter failure or defect.
- B. The date the bill is posted to the mail is the date of its issuance. Bills will be past due if not paid by 3:00 pm on the 10th day after issuance (unless such a day falls on a holiday or a weekend, in which case the time that the bill must be paid to prevent it from becoming past due is by 3:00 pm the next work day after the deadline).

- C. A customer whose bill is delinquent shall be charged a late penalty of \$25.00. The late penalty is a charge that is required to be paid, and if the customer pays the past due amounts, but doesn't pay the late penalty, the bill may be considered delinquent and the customer subject to disconnection of service in accordance with this Ordinance.
- D. A record of bills mailed and their mailing dates will be maintained at the City offices.
- E. A deferred payment plan may be considered for delinquent accounts in special circumstances where a customer has unforeseen financial hardships. The City Secretary may approve a deferred payment plan where such special circumstances exist subject to the following conditions:
  - 1. The delinquency must be paid in full within two months.
  - 2. All subsequent bills must be paid prior to becoming past due.
  - 3. Persons with more than one disconnection in the prior twelve-month period will not be eligible for a deferred payment plan.

To obtain a deferred payment plan, the customer must pay a \$25.00 extension fee.

### 8.03 Discontinuance of Service

- A. Any person who fails to pay the water and/or sewer charge billed to that person shall be subject to having his or her water and sewer service discontinued by the City.
- B. If a water and/or sewer customer fails to pay his or her bill when due, the City Secretary shall send or cause to be sent to the customer a notice entitled "Final Notice" notifying the customer that if he or she fails to pay the past due water and/or sewer service charges and late fee(s) within ten days after the date of the notice being posted to the mail, water and sewer service will be discontinued. The notice shall state the termination/disconnection date. The notice shall contain the office hours, telephone number and address of the City office where payments of utility billings are received. The notice shall set out the total of all past due charges and late fees, and shall set forth the reconnect fee that will be charged to restore water and/or sewer service if service is disconnected.
- C. Water and/or sewer service may be disconnected for any of the following reasons:
  - 1. Failure to pay past due service charges or failure to comply with the terms of a deferred payment agreement.
    - (i) Payment by check which has been rejected for insufficient funds, closed account, or for which a stop payment order has been issued is NOT deemed to be payment to the City. A \$25.00 returned check fee will be charged for all returned checks.
    - (ii) Payment at the City's office is considered payment to the City.
    - (iii) The City is not obligated to accept payment of a bill when a City employee is at the location of service to disconnect service.
  - 2. Violation of the City's rules pertaining to use of water and/or sewer service in a manner that interferes with the service of others.

3. Operation of non-standard/non-conforming equipment if a reasonable attempt has been made to notify the customer and the customer has been given a reasonable opportunity to remedy the situation.
  4. Failure to comply with deposit requirements of this Ordinance.
  5. Other reason allowed by law.
- D. A disconnection shall be preceded by notice as required under 7.03(B) above, except that inapplicable provisions may be so noted. If the potential disconnection is for a reason other than failure to pay past due charges and fees, the notice shall set out that reason in sufficient detail to put the customer on notice of what must be done to remedy the situation and avoid termination of service.
- E. Disconnection may be carried out by the City without prior notice for the following reasons:
1. Where a known and dangerous condition related to the type of service provided exists. Where reasonable, given the nature of the reason for disconnection, a written notice of the disconnection explaining the reason service was disconnected, shall be posted at the entrance to the property, the place of common entry or upon the front door of each affected residential unit as soon as possible after service has been disconnected.
  2. Where service is connected without authority by a person who has not made application for service.
  3. Where service has been reconnected without authority following termination of service for non-payment.
  4. In instances of tampering with the City's meter or equipment, bypassing the same, or other instances of diversion of service.
- F. A reconnect fee of \$50.00 will be charged to the customer for restoring service if service has been physically disconnected, or where the City has attempted to disconnect service and the customer prevented the disconnection by some means.
- G. A customer who believes that the billing on which the disconnection is warned, or other basis on which a disconnection notice has been received, is incorrect may request a hearing before the Mayor or his designee in writing within the 10-day period. If a hearing is requested, service shall not be disconnected until the Mayor or his designee holds the hearing with the customer, and then only if the Mayor or his designee finds that the disconnection should proceed. This provision does not apply to disconnection without notice under 7.03(E).

## 9.

### IMPROPER USE OF SYSTEM

- 9.01 The City of Kosse will charge a customer for all labor, materials, equipment and all other actual costs necessary to repair or replace all system elements damaged due to the customer's negligence, service diversion, or the discharge of wastes into the sewer system which the sewer system cannot properly treat or handle.

- 9.02 Industrial/Commercial users of the City’s sewer system must comply with all state, federal and local laws and regulations regarding discharge of wastes and pre-treatment programs where applicable to such user’s operations.

10.  
OFFENSE/PENALTY

- 10.01 Violation of a prohibition set forth in this Ordinance shall be an offense (class C misdemeanor) punishable by a fine not to exceed \$500.00 except as set forth below. Each day of violation shall constitute a separate offense.
- 10.02 Violation of a prohibition in this Ordinance against unsanitary discharge of sewage or waste, or the refusal to connect to the City’s Sewer and water systems where required is a violation of a health and sanitation provision punishable by a fine not to exceed \$2,000.00. Each day of Violation shall constitute a separate offense.

11.  
SEVERABILITY CLAUSE

- 11.01 If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portions of this Ordinance, and all the remainder of this Ordinance not so declared to be invalid shall continue to be in full force and effect. The City Council of the City of Kosse, Texas, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clause or phrases be declared unconstitutional.

12.  
EFFECTIVE DATE

- 12.01 This Ordinance shall be effective from July 1, 2021, and after publication in accordance with the *Local Government Code*.

13.  
REPEAL OF CONFLICTING ORDINANCES

- 13.01 This Ordinance repeals any conflicting ordinances or conflicting parts of ordinances of the City of Kosse.

PASSED AND APPROVED this 11th day of May, 2021.

ATTEST:

s/Christina Lockhart  
City Secretary

s/Brooks Valls  
Mayor