

ORDINANCE NO. 2021-11-010
CITY OF CUMBY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS FOR PROVIDING BILLING PROCEDURES FOR THE WATER, WASTEWATER SERVICE AND GARBAGE SERVICE FOR THE CUSTOMERS OF THE CITY OF CUMBY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cumby, Texas has determined the need to approve procedures for service and billing for the water and wastewater services; and

WHEREAS, it is the intention of the City Council of the City of Cumby, Texas that the procedures be approved and approval is in the best interest of the City; and

WHEREAS, the following sections include the policies and procedures for the billing of service, the disconnection and reconnection of service and the associated fees for the City of Cumby.

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

SECTION 1 - Billing

Monthly billing for water, wastewater service, and solid waste (“utilities”) will be mailed by the City of Cumby to every customer on or before the last business day of each month based on the City of Cumby rate schedule (Appendix A). Any and all adjustments to a utility bill must be approved by the Mayor and/or City Council and must be in writing.

Utility payments are due on or before 11:59 p.m. on the 15th of each month; if the 15th is a weekend or legal holiday, utility payments are due the next calendar day in which City Hall reopens. A late fee (Appendix A) will assess at 12:00 a.m. on day immediately following the due date. Any payments made in person, through the City of Cumby’s drop box, and which are made when the City Hall offices are closed will be deemed to have been timely made if those payments are in the dropbox by 8:00 a.m. on the day that the City offices reopen.

SECTION 2 – Fees, Deposits, & Notices

Late Fee. A late fee will assess on any remaining balance on late fee assessment date.

Returned Check. A returned check fee (Appendix A) will be assessed to all returned checks. The returned check and fee must be paid in full by cash, cashier’s check or money order. Any municipal customer who has two (2) checks returned within a twelve (12) month period may be prohibited from submitting personal checks for payment of their utility bill and may be required to make all further payments in cash, cashier’s check, or by money order.

Existing & Transferring Services. Existing services as of the adoption of this ordinance that do not have a deposit will not require a deposit unless service is terminated either by non-payment of services, returned check, change in ownership or change of customer. Deposit shall be waived when the transfer in customer name is due to spousal survivorship. Transfer of service from one service address to another service address will require a transfer fee (Appendix A) and full payment for current service prior to the connection of service at the second location. Transfer of service locations will also require a new application for service at the new location and all other required documentation prior to the connection of service.

A service applicant with an outstanding bill from a previous service with the City of Cumby will be required to pay that outstanding bill before new service will be connected and complete all documentation and payment of deposit and other required fees prior to the establishment of service with the City.

New Services. All new services will require a connect fee (Appendix A), deposit, service application, and proof of identification (i.e., driver's license, identification card) must be provided prior to service activation. A copy of proof of ownership, lease agreement or proof of business ownership shall be provided at time of application before service can be established. All customers shall abide by all city, county and state regulations. The deposit rates are listed in Appendix A.

Disconnection. A disconnection fee shall be levied on any and all disconnections. Services may be disconnected for non-payment 10 business days after a Late Fee is assessed.

A disconnection date shall be included on every utility bill sent by the City of Cumby. Notice of disconnect for non-payment will be mailed 5 days prior to the disconnection date OR affixed to the service location 3 days prior to the disconnection date. A disconnect fee (Appendix A) shall be assessed to an account on 12:00 a.m. on the date that the disconnection is scheduled.

Any and all fees and past due amounts must be paid in full before service is reconnected and must be paid via money order, cashier's check or cash.

Disconnection shall not occur on a Friday, a weekend, or legal holiday unless the customer has requested disconnection in writing. (Appendix A) A City Employee is the only authorized individual to reconnect services. Any individual who connects a service without consent of the City shall be fined by the City in an amount not to exceed \$500.

Any account requesting reconnection in which payment is made after 2:00 p.m. shall not be reconnected until the next business day, unless an additional after hour fee is paid.

Deposit. All new service agreements shall require a deposit. All services that have been terminated voluntarily or through a disconnection shall require a deposit at the current rate when reconnected. Customers may transfer the balance of their deposit to their successor upon written consent of both parties and once the final utility bill has been paid in full.

The City may apply a customer's deposit amount to the outstanding utility bill on or after the day the Late Fee is assessed. The Notice of Disconnect shall reflect the outstanding balance of the

utility bill and/or the amount of deposit remaining or depleted. A Customer must replenish their deposit to bring their account into good standing. A late fee shall be assessed every month in which a deposit remains unpaid, except if the customer was not previously required to pay a deposit.

The refund of any remaining deposit funds will be mailed within thirty (30) days of discontinuance of service. All voluntary discontinuances of service will require the City of Cumby Utility Disconnect form allowing three (3) business days for disconnection of service. **All refunds will be mailed to the address on file with the City.**

Service Calls. Any service call made by the City for a customer and determined to be the customer's service line will be invoiced to the customer and payable within fifteen (15) days from the date of the invoice. The customer will be billed for employee labor and/or time, material cost and vehicle and/or equipment expense. The Maintenance Supervisor will report to the office all amounts for billing to the customer.

When a potential hazard to health, environment or the community exists with a customer's service the City of Cumby retains the right to disconnect service immediately until corrective action is completed, inspected and approved by the state licensed Water/Wastewater Operator. All fees associated with disconnection and reconnection will apply if it is determined to be the customer's service line or the customer is at fault.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of conflict only.

SECTION 4. That if any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Cumby, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

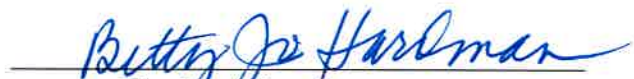
SECTION 5. This Ordinance shall be in full force and effect immediately upon its passage and approval by the City Council.

BE IT FURTHER RESOLVED that the City Secretary is hereby authorized to attest to the signature of the Mayor to this Ordinance and to any instruments requisite to implementing this Ordinance.

PASSED BY THE GOVERNING BODY of the City Council of the City of Cumby, Texas, on the 17 day of November, 2021

Attest:


Douglas Simmerman, Mayor


Betty Jo Hardman, Interim City Secretary

**CITY OF CUMBY
ORDINANCE 2021-11-01
APPENDIX A**

Deposit - Residential Owner (inside City Limits)	\$150.00
Deposit - Residential Owner (outside City Limits)	\$200.00
Deposit - Residential Renter (inside City Limits)	\$200.00
Deposit - Residential Renter (outside City Limits)	\$250.00
Deposit – Commercial	\$325.00
Connect Fee	\$35.00
Late Fee	\$20.00
Disconnect Notice	\$10.00
Disconnect Fee	\$35.00
Reconnect Fee	\$35.00
After Hour Reconnect Fee	\$50.00
Transfer Fee	\$35.00
Return Check Fee	\$35.00
Water Tap Fee – Residential	\$750.00
Water Tap Fee – Commercial	\$1,000.00
Wastewater Tap Fee - Residential	\$1,000.00
Wastewater Tap Fee - Commercial	\$1,500.00

**MONTHLY WATER RATES - CUSTOMERS WITHIN THE CORPORATE LIMITS OF
THE CITY:**

MONTHLY DEMAND RATE \$10.50 PLUS		
0-3,000 Gallons	\$6.75	per 1,000 gallons or part thereof
3,001 - 5,000 Gallons	\$7.50	per 1,000 gallons or part thereof
5,001 - 15,000 Gallons	\$8.00	per 1,000 gallons or part thereof
15,001 - 50,000 Gallons	\$8.50	per 1,000 gallons or part thereof
50,001+ Gallons	\$9.00	per 1,000 gallons or part thereof

**MONTHLY WATER RATES - CUSTOMERS OUTSIDE THE CORPORATE LIMITS OF
THE CITY:**

MONTHLY BASE RATE	\$42.00	includes 2,000 gallons
2,001 - 3,000 Gallons	\$5.50	per 1,000 gallons or part thereof
3,001 - 5,000 Gallons	\$5.70	per 1,000 gallons or part thereof
5,001+ Gallons	\$7.00	per 1,000 gallons or part thereof

**MONTHLY WATER RATES - COMMERCIAL WATER RATES INSIDE AND OUTSIDE
THE CORPORATE LIMITS OF THE CITY:**

MONTHLY BASE RATE	\$42.00	includes 2,000 gallons
2,001 - 3,000 Gallons	\$5.50	per 1,000 gallons or part thereof
3,001 - 5,000 Gallons	\$5.78	per 1,000 gallons or part thereof
5,001+ Gallons	\$7.00	per 1,000 gallons or part thereof

BULK WATER RATE: \$45.00 PER LOAD MAXIMUM UP TO 3,000 GALLONS

WASTEWATER RATES

MONTLY BASE RATE	\$23.00	includes up to 5,000 Gallons
5,001+ Gallons	\$4.50	per 1,000 gallons or part thereof

MONTHLY GARBAGE RATES

Residential within the City Limits (1 cart)	\$14.50	
Residential outside City Limits (1 cart)	\$17.75	
Multiple Unit	\$50.00	
Commercial	\$30.00	
Extra Cart Monthly Fee	\$5.00	per extra cart

HOUSING AUTHORITY

WATER USAGE	\$220.00	includes up to 20,000 gallons
20,001 - 50,000	\$5.50	per 1,000 gallons or part thereof
50,001+	\$7.00	per 1,000 gallons or part thereof
Sewer Usage	\$220.00	includes up to 20,000 Gallons
20,001 +	\$4.50	per 1,000 gallons or part thereof

ABOVE RATES SUBJECT TO ANY ADDITIONAL TAX