

ORDINANCE NO. 19 - 3

AN ORDINANCE AMENDING THE CITY OF KENEDY CODE OF ORDINANCES, CHAPTER 18, BUSINESS REGULATIONS BY ADDING ARTICLE VII, REGULATION OF AMUSEMENT REDEMPTION MACHINES; AMENDING ARTICLE III FEE SCHEDULE, TO ADD SECTION 14-65, BY PROVIDING A PERMIT FEE; PROVIDING DEFINITIONS; PROVIDING FOR A PENALTY; PROVIDING FOR REPEALING, SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, it is necessary to amend the City of Kenedy Code of Ordinances to provide for a permitting process for amusement redemption machine s to operate in Kenedy; and

WHEREAS, it is also necessary to regulate the locations of amusement redemption machine (s) establishments to ensure they are not located within certain distances of each other, residentially zoned parcels, religious institutions, apartment complex, school or day care facility, school bus stop, child entertainment establishment, bar or liquor store, and pawnshops; and

WHEREAS, there is potential for abuse in that persons operating establishments with "amusement redemption machines can exceed the limitations set forth in the Texas Penal Code §47.00 and become gambling establishments; and

WHEREAS, it is necessary to establish operational regulations for amusement redemption machines operating in the City of Kenedy; and

WHEREAS, the proliferation of these amusement redemption machine establishments in the City will necessitate increased police regulation and review to ensure that amusement redemption machines locations are operated within lawful parameters; and

WHEREAS, it is also necessary to establish fees and fines; and

WHEREAS, the City may adopt, amend, and add ordinances to its Code of Ordinances, pursuant to Chapter 1, Section 1-10 therein, which are necessary or proper for carrying out a power granted by law to the municipality in the manner prescribed by Tex. Loc. Gov't Code Ann §51.001; and

WHEREAS, a municipality may adopt an ordinance, act, law or regulation, not inconsistent with state law, that is necessary for the government interest, welfare, or good order of the municipality as a body politic. Tex. Loc. Gov't Code Ann §51.002; and

WHEREAS, it is now the desire of City Council to amend the City of Kenedy Code of Ordinances as detailed below:

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

SECTION 1. That the Code of Ordinances, City of Kenedy, Texas, is hereby amended by adding a section, to be numbered Article VII, "Regulation of Amusement Redemption Machines" which said section reads as follows:

ARTICLE VII. – REGULATION OF AMUSEMENT REDEMPTION MACHINES

Sec. 18-401. – Definitions.

Amusement Redemption Machine means any electronic, electro mechanical, or mechanical contrivance designed, made, and adopted for bona fide amusement purposes that rewards the player exclusively with non-cash merchandise, prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than ten times the amount charged to play the game or device once, or \$5.00, whichever amount is less.

Applicant: A person who submits a permit application to the City of Kenedy. The term includes: owner, owner's agent, operator, principal, officer, or general manager of the applicant.

City official – means a code enforcement officer or building official of the City of Kenedy or any peace officer of the State of Texas.

Compensation: Any and all forms of payment as remuneration for the provision of playing a game of chance to include, but not limited to, table games such as cards, poker, blackjack, dice, craps, or roulette, an amusement redemption machine or random generator machine. Compensation includes, but is not limited to, fees, tips, membership fees, seat rentals, seat time-charges, buy-ins, goods, services, barter, or any other exchange or any value made to or on behalf of a game room, the game room owner, game room operator, game room employee, or any other person working for or affiliated with the establishment. Compensation includes discounted, reduced, or waived student fees for tuition, books, supplies, or other educational expenses. Compensation is also understood through the purchase of chips that are intended to be used in table game activity.

Employee: shall mean any person eighteen (18) years of age or older, who renders any service in connection with the operation of a game room establishment and who receives compensation from the operator of the business or from patrons. No one under the age of 18 may be allowed to work at a game room in the City of Kenedy.

Game Room Establishment and Game Room means a building, facility, or other place that contains two or more amusement redemption machines, regardless of whether compensation is given in any form.

Game Room Owner means a person who has any ownership interest in a game room or an owner, director, or officer of a business entity that has any ownership interest in a game room.

Gaming machine and machine(s) means amusement redemption machine(s).

Operator means an individual who supervises, manages, or participates in the performance of activities that contribute to the functioning of a Game Room Establishment.

Premise means a building or a portion of a building. The term includes any public or private driveway, parking lot, parking garage, or other parking area owned or rented by the Game Room Establishment.

Random Generator Machine means a type of amusement redemption machine that is recreational and provides the user with an opportunity to receive something of value other than a right to replay and in which credits, or the equivalent thereof, are accumulated when: a particular configuration of like symbols is displayed in a random fashion by the machine; symbols or numbers are matched to a randomly selected symbol or number determined by the machine; a combination of cards is arrived at and valued in a traditional hierarchy for purposes of poker; or a combination of cards is arrived at and points assigned for purposes of blackjack.

Sec. 18-402 - PERMIT REQUIRED.

- (a) No person shall engage in or carry out the business of the operation of amusement redemption machines located in a Game Room for any form of compensation unless they have a valid amusement redemption machine permit issued by the City of Kenedy pursuant to the provisions of this article for each and every separate office, location, or place of business conducted under this article. A game room owner and game room operator shall obtain a permit from the city for each location involving the use and operation of amusement redemption machines located in the city.
- (b) It shall be unlawful to operate, use or maintain any room or place in the City of Kenedy where persons are permitted to play at any game of dominoes, cards or other games, and for the use of which, or privilege of playing therein or thereat, any compensation shall be paid or received, or where memberships are sold or rented for anything of value for the privilege of playing therein or thereat, without first securing a permit as required under this section.

- (c) An application for amusement redemption machines in an existing Game Room Establishment that is submitted by an individual who is different from the individual named as the owner or operator on the current application; or a re-application for an existing game room location after denial or revocation shall be considered a new application and not a renewal.
- (d) The application for a city permit required by this section shall be in the form prescribed by the City Manager or his/her designee and shall contain such information as the City Manager shall require.

Sec. 18-403 - APPLICATION FOR PERMIT

- (a) Payment of fee and issuance of permit. An owner, operator, or lessee of a game room with amusement redemption machines shall be required to secure a permit by paying to the City an annual inspection and amusement redemption machine permit fee of \$250.00 for an applicant for each amusement redemption machines.
- (b) Application. An applicant for a permit shall file with the City Manager a written application on a form provided for that purpose, which shall be signed by the applicant, who shall be the owner, operator, or lessee of the game room. Should an applicant maintain a game room at more than one location, a separate application must be filed for each location. The following is required in the application:
 - (1) Location, by address, of the proposed operation;
 - (2) A copy of the certificate of formation for the business is registered with the Secretary of State, or an applicant's DBA, if applicable, and a copy of the Sales and Use Tax Permit from the State Comptroller's Office;
 - (3) Name Address, telephone number, email and driver's license or state issued identification number of the following persons, if applicable:
 - a. Applicant is an individual;
 - b. All persons who own 25 percent (25%) or more interest in the amusement redemption machine game room;
 - c. All corporate officers, if any, of the business;
 - d. If a partnership, each of the general and limited partners;
 - e. The property owner; and
 - f. The manager of the property and/or business.
 - (4) The previous occupation(s) of the applicant, and if applicable, all cooperative officers and partners of the applicant within the preceding five years;

- (5) Whether a previous license or permit application for amusement redemption machine(s) or game room(s) of the applicant or, if applicable, corporate or partner of the applicant, has been revoked within two years of the filing of this application;
- (6) Number of amusement redemption machine s in the game room;
- (7) Requirement to conduct a criminal background check. Applicant, at its own expense, must provide a copy of a recent criminal history search for the last five years through the Texas Department of Public Safety (TXDPS) [<https://records.txdps.state.tx.us>]. The permit will be denied if any individual has any convictions, guilty pleas, or deferred adjudications related to gambling, organized crime or any felony within the prior five (5) years. The following must be submitted to a criminal background check.
 - a. Applicant if an individual;
 - b. All persons who own 25 percent (25%) or more interest in the amusement redemption machine game room;
 - c. All corporate officers, if any, of the business; and
 - d. If partnership, each of the general and limited partners.
- (8) A sworn statement that:
 - a. That all of the facts contained in the application are true and correct;
 - b. The location and operation of the amusement redemption machine game room will not violate any applicable deed restrictions; and
 - c. The amusement redemption machine game room will be operated in accordance with all laws and City ordinances, including Texas Penal Code 47.00.
- (9) Name Address, and telephone number of an emergency contact person who can be reached after hours.
- (10) Permits shall be conspicuously posted in an open and conspicuous place near the entrance of the game room establishment.

Sec. 18-404 – EXPIRATION, RENEWAL AND LATE PENALTY

- (a) Annual amusement redemption machine permits issued by the City shall automatically expire on December 31 following its issuance, except as otherwise stated herein. Such permit shall automatically expire if the holder thereof sells,

transfers equity, or otherwise disposes of the amusement redemption machine(s). An amusement redemption machine permit is not assignable or transferable. The City shall not refund any portion of a permit after the permit is issued, nor shall it prorate or reduce an amount of any fee due to the City.

- (b) **Late penalty.** Upon the expiration of a permit, the permit holder shall obtain a renewal if the permit holder wishes to continue operating amusement redemption machine(s). Failure to obtain the renewal within thirty (30) days after the expiration will require such person to pay a late fee in an amount equal to twenty (20) percent of the fee due or twenty (20) percent of the previous year's fee, whichever is greater, in order to obtain reinstatement of his/her permit. Nothing herein authorizes the permit holder to operate after the expiration of a permit and before a renewal is effective.

Sec. 18-405 – RESTRICTIONS, REGULATIONS, CONTROLS AND LIMITATIONS.

The following restrictions, regulations, controls and limitations shall apply to all amusement redemption machine locations and game rooms:

1. *Condition of premises.* All building and fire code standards must be met. A certificate of occupancy shall be requested before permit is issued. Game room must be located in an area zoned for that activity.
2. *Method of conduction of business.* Amusement redemption machine s are not allowed outdoors
3. *Hours of Operations.* May only operate between the hours of 10:00 a.m. and 10:00 p.m.
4. *Location requirements.* Premises shall not operate within 300 feet radius of an established church, school, day care, or hospital. Premises shall not operate within a 2,000 feet radius of another amusement redemption machine game room.
5. *Alcoholic Beverages.* No amusement redemption machine game room may be located on premises where alcoholic beverages are sold, served, possessed or consumed, with the exception of any congressionally chartered, non-profit organization.
6. *Service of Food and Non-alcoholic Beverages.* If any food or non-alcoholic beverage products are prepared, sold, or consumed at the premise of the gaming machine game room, an annual food and beverage license shall be required.
7. The owner, operator, or manager of the premises must be present to supervise the operation of the amusement redemption machines. The amusement redemption machines shall not be left unattended.

8. Amusement redemption machine s must be situated within the premises as to be in full and open public view, which entails being visible to all patrons of the establishment.
9. A game room operator must be a person who is at least 18 years of age.
10. The total number of amusement redemption machine s allowed in one establishment shall be limited to 25.
11. All amusement redemption machine s must be permitted according to the permitted requirements set forth in this article.
12. All amusement redemption machine locations shall be in compliance with the City's Zoning Regulations.

Sec. 18-406 – TRANSPARENT, UNOBSTRUCTED VIEW TO THE INTERIOR REQUIRED.

- (a) Every amusement redemption machine location and game room shall have transparent unobstructed windows or open space on at least one (1) side so that the area is open to view by the general public passing by on a public street or using a corridor, lobby or other room to which the public has access and is admitted without charge. The owner, manager or employee of a game room shall not permit any obstruction of such public view by the use of drawn shades, blinds, partitions, tinting or other structures of obstructions.
- (b) The requirement of subsection (a) above may be waived or modified by the Building Official if the game room owner can demonstrate:
 - (1) The game room is located in a structure deemed a historical landmark, or the structure is within a historical district, and deemed to have architectural or historical significance; and
 - (2) Compliance with the unobstructed view requirements shall require alterations to the structure that will have a substantially detrimental effect on its historic or architectural features.

Sec. 18-407 – GROUNDS FOR DENIAL OF PERMIT.

- (a) The City Manager shall refuse to approve the issuance or renewal of a permit for one or more of the following reasons:
 - (1) A false statement as to a material matter in an application for a permit;
 - (2) Revocation of a permit pursuant to this article, of the applicant or corporate officer of the applicant within two years preceding the filing of the application

- (3) The applicant or a co-owner for such a permit has been convicted as stated in Section 18-403 of this ordinance.
- (b) The City Manager shall not issue or renew a permit under this article and shall suspend or cancel a permit if it be determined that the applicant is indebted to the City for any fee, costs, penalties, or delinquent taxes.

Sec. 18-408 – CANCELLATION OF PERMIT FOR VIOLATION OF ARTICLE AND APPEAL

- (a) If any individual, company, corporation or association who owns, operates, exhibits, or displays any amusement redemption machine in the City of Kenedy shall violate any provision of the article, the City Manager shall have the power and authority to cancel all permits issued hereunder to any of the foregoing by giving written notice, state the reason justifying such cancellation, and the same shall be cancelled ten (10) days from the date of such notice. No permit shall be issued with a period of one year to anyone whose permit has been cancelled. If the permit of an individual, company, corporation, or association owning, operating, or displaying amusement redemptive machines in the City is cancelled, such individual, company, corporation, or association shall not operate, display, store or permit to be operated, stored or displayed such amusement redemption machines until the new permit is granted.
- (b) Nothing in this section prevents the City of Kenedy from revoking any existing certificate of occupancy, permit or license if found to be issued in error, in violation of a law, when issued under a false application, or when issued to an establishment that does not meet the State of Texas licensing requirements. An existing business whose certificate of occupancy is revoked under this section must meet all current licensing and permitting requirements in the City of Kenedy before it is allowed to reopen for business.
- (c) Nothing in this section precludes the City of Kenedy from revoking any existing certificate of occupancy, permit if the Game Room Establishment is found to be in violation of a Health and Safety Code or Fire Code adopted by the City of Kenedy which warrants closing said business until all violations are rectified to the City of Kenedy's sole satisfaction that no violations exist.
- (d) Appeals of cancellations of permits shall be to the City Council and shall be submitted to the City Manager on a form prescribed by City Council within ten (10) business days of the cancellation of a permit.

Sec. 18-409 - UNRESTRICTED ACCESS BY LAW ENFORCEMENT OFFICER AND CITY OFFICIALS

- (a) It shall be the duty of all owner, manager, operators, or employee of a Game Room Establishment, or other person exercising control over a Game Room Establishment, a portion of a game room, an amusement redemption machine(s), random generator

machines, or a place where dominoes, cards, or other table games are permitted, to provide any law enforcement officer and city official with immediate unrestricted access during business hours to all areas of a game room.

- (b) An owner, manager, operator or employee of a game room or other person who does not allow a law enforcement officer or city official to inspect a Game Room Establishment or amusement redemption machine(s) commits an offense and will be subject to immediate temporary revocation of the establishment's permit and may warrant a case being forwarded to City Council for a hearing for a permanent revocation of the permit(s).
- (c) The owner(s) of a Game Room Establishment shall be present during planned inspections and during any meetings related to obtaining permits required under this article.

Sec. 18-410 – Penalty.

- (a) Any person found in violation of this ordinance shall be deemed guilty of a Class C misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed the maximum amount allowable by law. Each day that the violation occurs shall constitute a distinct and separate offense.

Section 2. Fees

That the Code of Ordinances, City of Kenedy, Texas, is hereby amended by adding a section, to be numbered Section 14-65 of Article III, which said section reads as follows:

Amusement Redemption Machines

\$250.00 for an applicant for the maximum number of allowed amusement redemption machines.

Section 3. All provisions of the Code of Ordinances of the City of Kenedy codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Kenedy codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section 5. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

Section 6. Any game room in existence within the City limits as of the time of the adoption of these regulations shall apply for a permit under these regulations by December 31, 2020.

Section 7. By issuing the required permit, the City is not certifying the installation or use of amusement redemption machines. In applying for a permit, the applicant shall acknowledge that the City is not certifying or sanctioning the installation or use of such machines. By the acceptance of a permit under this ordinance, the permit holder acknowledges that the installation and use of the amusement redemption machines which are the subject of this ordinance may be found to violate state law. By the acceptance of a permit issued under this article, the permit fee paid belongs to the City and will not be refunded.

Section 8. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kenedy this the 2nd day of July, 2019.



James D. Sutton, Mayor

ATTEST:



Amanda Hines, City Secretary

ORDINANCE NUMBER 19 - 5

AN ORDINANCE OF THE CITY OF KENEDY, TEXAS AMENDING CHAPTER 14-BUILDING AND BUILDING REGULATIONS ARTICLE III-PERMITS AND FEES OF THE KENEDY CODE OF ORDINANCES; ESTABLISHING BUILDING PERMIT AND INSPECTION FEES FOR RESIDENTIAL DWELLINGS; COMMERCIAL, INDUSTRIAL, MULTI-FAMILY, AND OTHER BUILDINGS, TO INCLUDE AN ADMINISTRATIVE OVERHEAD COST; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, House Bill 852 was passed by the Texas State Legislature, 86th Regular Session, and amended Subchapter Z, Chapter 214, Local Government Code, thereby prohibiting certain value-based permit and inspections fees for residential dwellings; and,

WHEREAS, House Bill 852 prohibits cities from collecting building permit or inspection fees for a residential dwelling based on the value of the dwelling or the cost of constructing or improving the dwelling; and,

WHEREAS, House Bill 852 does not expressly prohibit cities from collecting building permit or inspection fees based on the square footage of the residential dwelling; and,

WHEREAS, due to the increase in permit applications experienced by the City of Kenedy, the City requires a simplified process to calculate administrative fees and increase collection of such; and

WHEREAS, it is in the City of Kenedy's best interest to adopt an administrative fee for residential; and commercial, industrial, multifamily, and other types of building permits based upon the amount charged to the City of Kenedy by its selected Inspection Service Contractor for each building permit; and

WHEREAS, the City Council of the City of Kenedy, Texas desires to amend its City Code to conform to the new statutory requirements and serve the interest of the public.

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

PART 1. That Chapter 14-Building and Building Regulations, Article III Permits and Fees, Section 14-64 Building permit and inspection of the Kenedy Code of Ordinances is hereby amended as set forth in the attached **Exhibit A**.

PART 2. That the recitals contain in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

PART 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases,

clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

PART 4. That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

PART 5. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

PART 6. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Kenedy under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

PART 7. The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.

PASSED, APPROVED and ADOPTED by the City Council of the City of Kenedy, Texas, on this 2nd day of July, 2019.

CITY OF KENEDY

James D. Sutton, Mayor

ATTEST:

Amanda Hines
Amanda Hines, City Secretary

EXHIBIT A

That Chapter 14-Building and Building Regulations, Article III Permits and Fees of the Kenedy Code of Ordinances is hereby amended as follows:

ARTICLE III. - PERMITS AND FEES

Sec. 14-64. - Building permit and inspection.

DELETE:

(b) ~~Building permit fees as described in subsection (c) shall be payable at the time the permit is issued by the city's code compliance officer. The permit fee is based on the project's declared value, and the code compliance officer may require the applicant to verify the declared value.~~

(c) Building permit and inspection fee schedule.

(1) ~~The following inspection fees shall be payable prior to an inspection being scheduled:~~

a. ~~Electrical \$40.00~~

b. ~~Plumbing \$40.00~~

e. ~~Gas \$40.00~~

(2) ~~Single family housing building permits.~~

Value	Fee
\$1.00 to \$25,000.00	\$15.00
\$25,001.00 to \$50,000.00	\$15.00 for the first \$25,000.00 plus \$5.00 for each additional \$1,000.00
\$50,001.00 to \$100,000.00	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional \$1,000.00
\$100,001.00 to \$500,000.00	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional \$1,000.00
\$500,001.00 to \$1,000,000.00	\$1,600.00 for the first \$500,000.00 plus \$2.00 for each additional \$1,000.00

(3) — Commercial, industrial, and multi-family housing building permits. Inspection services are included in the permit fee.

Value	Fee
\$1.00 to \$25,000.00	\$15.00
\$25,001.00 to \$50,000.00	\$258.23 for the first \$25,001.00 plus \$6.67 for each additional \$1,000.00
\$50,001.00 to \$100,000.00	\$424.86 for the first \$50,000.00 plus \$4.62 for each additional \$1,000.00
\$100,001.00 to \$500,000.00	\$655.86 for the first \$100,000.00 plus \$3.70 for each additional \$1,000.00

ADD:

Sec. 14-64. - Building permit and inspection.

(b) Building permit fees as described in section (c)(1) below shall be payable at the time the permit is issued by the city's code compliance officer. For each new or remodeled residential construction permit there shall be a permit fee as determined by the Inspection Service Contractor utilizing the section (c)(1) table below and shall include an additional fee for the City's administrative costs payable to the City of Kenedy amounting to Twenty Percent (20%) of the total permit fee;

(c) Building permit and inspection fee schedule.

(1) Permit Fee Schedule for Construction or Improvement of a Residential Dwelling.

New Residential Construction	
Square Footage (S.F.)	Permit Fee
0 – 1,500 S.F.	\$785.00
1,501 – 10,000 S.F.	\$785.00 for the first 1,500 S.F. plus \$0.35 for each additional S.F. to and including 10,000 S.F.
Over 10,000 S.F.	\$3,760.00 for the first 10,000 S.F. plus \$0.15 for each additional S.F. over 10,000 S.F.
Alteration/Addition for Residential Construction	
Trade	Permit Fee
Building, Mechanical, Electrical, Plumbing, Fuel, Gas and similar	\$100.00 per trade
Other project types not listed above	\$160.00 per trade

(2) Commercial, industrial, and multi-family building permits. For each new or remodeled commercial, industrial and multi-family construction permit there shall be a permit fee as determined by the Inspection Service Contractor utilizing the table below and shall include an additional fee for the City's administrative costs payable to the City of Kenedy amounting to Forty Percent (40%) of the total permit fee.

Valuation	Permit Fee
\$1.00 to \$10,000.00	\$76.92
\$10,001.00 to \$25,000.00	\$108.75 for the first \$10,000.00 plus \$8.40 for each additional \$ 1,000.00
\$25,001.00 to \$50,000.00	\$234.75 for the first \$25,000.00 plus \$6.06 for each additional \$1000.00
\$50,001.00 to \$100,000.00	\$386.25 for the first \$50,000.00 plus \$4.20 for each additional \$1000.00
\$100,001.00 to \$500,000.00	\$596.25 for the first \$100,000. ⁰⁰ plus \$3.36 for each additional \$1000.00
\$500,001.00 to \$1,000,000.00	\$1,940.25 for the first \$500,000.00 plus \$2.85 for each additional \$1000.00
\$1,000,001.00 and up	\$3,365.25 for the first \$ 1,000,000 .00 plus \$1.89 for each additional \$ 1000.00

(3). Non-residential, non-commercial, non-industrial, and non-multi-family building permits. For each new or remodeled building other than residential, commercial, industrial and multi-family there shall be a permit fee as determined by the Inspection Service Contractor utilizing the above referenced Section (c)(2) table, and shall include an additional fee for the City's administrative costs payable to the City of Kenedy amounting to Twenty Five Percent (25%) of the total amount of the permit fee.

ORDINANCE NO. 19 - 6

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KENEDY, TEXAS IMPOSING A STAGE 4 WATER RESTRICTIONS DUE TO A SCARCITY OF THE PUBLIC WATER SUPPLY; LIFTING STAGE 4 WATER RESTRICTIONS UNTIL THE PUBLIC WATER SUPPLY IS ADEQUATELY REPLENISHED; AND PROVIDING FOR A SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, A public emergency and necessity currently exists. Both Well 16 and Well 15 are currently inoperable and unable to produce any water resulting in a potential severe scarcity of the public water supply for the City of Kenedy;

WHEREAS, the City of Kenedy, depends upon a well field consisting of seven (7) water wells that provide a water supply that must be cleaned through an arsenic adsorber and reverse osmosis process; and

WHEREAS, the City of Kenedy is currently in Stage 3 Water Restrictions (Exhibit A); and

WHEREAS, Well 16 is the cleanest supplier of water and Well 15 is the highest producer of water, and in combination these two wells are of vital importance to the supply of water for the City of Kenedy producing an estimated 900 gallons of water per minute; and

WHEREAS, the City Council is declaring an Emergency and to confront this sudden emergency, the Council is implementing Stage 4 Water Restrictions for the best interests of the City and citizens.

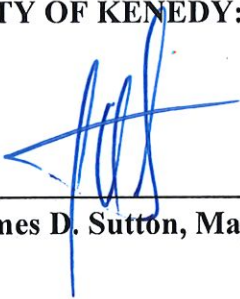
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENEDY, TEXAS:

1. Declares that due to an Emergency Situation the City of Kenedy will be in Stage 4 Water Restrictions.
2. The City of Kenedy will direct the Police Department to strictly enforce Stage 4 Water Restrictions as reflected in Exhibit B.
3. Fines will be imposed for violating Stage 4 Water Restrictions; fines range from \$200.00 to \$500.00 per violation.
4. The City of Kenedy will direct staff to lift the Stage 4 Restrictions when Well 16 and Well 15 become operable; and reinstate Stage 3 Water Restrictions.

5. All other conflicting ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent they are in conflict.
6. If any provision of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.
7. This ordinance shall take effect immediately upon its passage, approval and official publication as provided by law.

PASSED AND APPROVED THIS 22nd DAY OF July 2019.

CITY OF KENEDY:



James D. Sutton, Mayor

ATTEST:



Amanda Hines, City Secretary