

3

City Planning Code Enforcement
Audit
Book 2

and Reading

ORDINANCE NO. 906

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, TRANSFERRING PORTIONS OF CHAPTER 21, PLUMBING, AND REPEALING OTHER ORDINANCES COVERING WATER AND SEWER CONNECTIONS AND EXTENSIONS OF THE ABILENE MUNICIPAL CODE; AMENDING CHAPTER 31, WATER, ADDING ARTICLE V, PROVIDING FOR WATER AND SEWER CONNECTIONS, TAPS AND EXTENSIONS, FEES, CHARGES AND PROCEDURES FOR SAME; PROVIDING A SEVERABILITY CLAUSE, A PENALTY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Abilene has passed several ordinances concerning water and sewer connections in the past to comply with Federal Housing & Urban Development requirements in order to retain federal financing of housing; and,

WHEREAS, the cost for installation of water and sewer connections has risen; and,

WHEREAS, it is desirable that water and sewer connections, taps and extensions, charges and procedures should be unified and updated; and,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Article XXII, Water and Sewer Connections and Extensions, (Sections 21-193 through 21-218) of Chapter 21, Plumbing, of the Abilene Municipal Code be transferred to Chapter 31 and renumbered as provided in Part 3 of this ordinance, except Section 21-216 which is hereby repealed.

PART 2: That Section 26.1 through and including Section 26.26, Water and Sewer Connections and Extensions, Ordinance No. 602, as enacted September 14, 1974, and any ordinances covering water and sewer connections and extensions which conflict in whole or in part with provisions set out in Parts 3 and 4, below, are hereby repealed.

PART 3: That a new Article V, titled Water and Sewer Connections, Taps and Extensions be added to the end of Chapter 31, Water, of the Abilene Municipal Code, and that the following Sections of Article XXII, Water and Sewer Connections and Extensions, as below set out, be renumbered and relocated in Chapter 31, Water, as follows:

ARTICLE XXII. Water and Sewer Connections and Extensions

ARTICLE V. Water and Sewer Connections, Taps and Extensions

old, repealed sections
under Chapter 21, Plumbing

changed to new sections
under Chapter 31, Water

| | | |
|--------|---------------------|-----------------|
| 21-193 | | 31-34 |
| 21-194 | amended, see Part 4 | 31-35 |
| 21-195 | | 31-36 |
| 21-196 | | 31-37 |
| 21-197 | | 31-38 |
| 21-198 | | 31-39 |
| 21-199 | | 31-40 |
| 21-200 | amended, see Part 4 | 31-41 |
| 21-201 | | 31-42 |
| 21-202 | | 31-43 |
| 21-203 | | 31-44 |
| 21-204 | | 31-45 |
| 21-205 | | 31-46 |
| 21-206 | amended, see Part 4 | 31-47 |
| 21-207 | amended, see Part 4 | 31-48 |
| 21-208 | | 31-49 |
| 21-209 | amended, see Part 4 | 31-50 |
| 21-210 | | 31-51 |
| 21-211 | | 31-52 |
| 21-212 | amended, see Part 4 | 31-53 |
| 21-213 | amended, see Part 4 | 31-54 |
| 21-214 | | 31-55 |
| 21-215 | | 31-56 |
| 21-216 | REPEALED | not transferred |
| 21-217 | | 31-57 |
| 21-218 | amended, see Part 4 | 31-58 |

PART 4: That the following Sections be added to the new Article V, Water and

Sewer Connections, Taps and Extensions, of Chapter 31, Water, of the Abilene Municipal

Code and be located in Chapter 31, Water, as the Section numbers indicate; as follows:

"Sec. 31-35. Pro rata charge-----Required.

(a) There shall be a service charge due on all property to which water or sewer lines are extended and construction completed and accepted by the city. This charge shall be called the "pro rata" charge for water or sewer and shall be due and payable before service is provided. The pro rata charge shall represent a portion of the costs of providing water or sewer facilities to serve the property on which the pro rata is paid.

(b) When a person desires water or sewer service to property that requires an extension of existing facilities to provide service adjacent to the property, or when the service connection will be made to any line, the person desiring such service shall pay a nonrefundable pro rata charge as follows:

(1) In areas (except areas included under subsection (3) of this section) where new main construction is required:

(aa) Two dollars and fifty cents per front foot of the lot or tract of land to which sewer service is to be supplied.

(bb) Three dollars and twenty-five cents per front foot of the lot or tract to which water service is to be provided.

(2) In areas (except areas included under subsection (3) of this section) where mains are existing for service taps on the effective date of this ordinance:

(aa) One dollar and fifty cents per front foot of the lot or tract of land to which the sewer service is to be provided.

(bb) Two dollars and twenty-five cents per front-foot of the lot or tract of land to which the water service is to be provided.

(3) In the Community Development Program Target Areas in effect for the 1975 year:

(aa) Fifty cents per front foot of the lot or tract of land to which the sewer service is to be provided.

(bb) One dollar and twenty-five cents per front foot of the lot or tract of land to which the water service is to be provided.

(c) The above front foot rates shall apply to property fronting on streets in areas platted into the usual rectangular lots or tracts of land, with a depth not to exceed one hundred fifty feet. Where lots or tracts have a greater depth than one hundred fifty feet from the front street line, and are occupied or are to be occupied exclusively as dwelling places, then the additional depth shall not be assessed. If the property is later subdivided, requiring an extension of mains to serve the same, then the terms of this article shall govern.

(d) Where residential lots or tracts are irregular in size or shape, then the pro rata charge shall be based upon equivalent rectangular lots or tracts using one front foot for each one hundred fifty square feet of area, or the average frontage of such lots or tracts, whichever is least.

(e) In case property or a tract of land is so situated or shaped that the front-foot rule creates an inequitable basis as between it and other tracts of land in the city, then the city engineer shall determine the proper charges in accordance with the intent and purpose of this article.

(f) Where lots or tracts are intended to be used for business, commercial or industrial purposes, the pro rata charge shall be paid on the frontage on all streets which the property may abut. Should such property be re-subdivided whereby water main and/or sewer main extensions are required to serve the same, the terms of this article shall apply.

(g) The pro rata charge is established to provide fire protection service from the street and domestic water or sewer service from the alley or comparable easements adjacent to the property.

(h) Farmland exception.

(1) An exception to the front foot pro rata charge will apply to unplatted farmland meeting the following specifications: The tract of land to be serviced under this exception must be: (1) Unplatted, (2) two acres or more in area, (3) used for no purpose other than residential and farming or ranching, and (4) must have only one residence located thereon.

(2) Under this farmland exception, the pro rata charge shall be based upon one hundred foot frontage, although the actual frontage may be much greater. The proponent, seeking the benefit of this exception, shall file a metes and bounds description of the entire contiguous tract of land under his ownership at that location with the director of planning and only one exception shall be allowed therefor. In order to obtain a water or sewer connection under this exception, the applicant must execute a special pro rata application, provided by the city engineer, outlining the special conditions for service."

"Sec. 31-41. Extension of water or sewer facilities -- Total cost to be paid; refund of cost above pro rata charge.

When an extension of water or sewer facilities is required to serve the property, the cost of which exceeds the pro rata charge as provided in this article, the person desiring service shall pay the total cost of the extension required for domestic or fire protection service as provided in sections 31-36 and 31-48 and shall be refunded that portion of the cost that exceeds the pro rata charge under the terms of a refundable contract.

When an approach main or boundary main is in an alley and the total cost of the extension is greater than the pro rata charge paid on the applicant's property, then the cost above the pro rata charge shall become refundable, in such a manner that when the lots served by the extension have paid their pro rata charges, the original applicant will have received the amount of the original deposit in excess of his pro rata charge in consonance with contract provisions."

"Sec. 31-47. Same-----Determination of cost.

The estimated cost of the water or sewer extensions required to serve property on which the pro rata charge under this article is to be paid, shall be based on the plans for the extensions prepared by or approved by the city engineer, and the unit prices shall be those established as provided in the last paragraph of this section. The city shall use these unit prices in the determination of the value of the system installed by a private contractor for the developer or may, at the city's discretion, require the developer to receive competitive bids in accordance with the city's form, plans and specifications. The value allowed the developer toward payment of his pro rata charges, or for refunds, shall be determined by the unit prices provided in the last paragraph of this section or at the city's option by competitive bids.

The cost of extensions shall include engineering costs, materials, labor, paving repair, etc., necessary to complete the facility required to serve the property on which the pro rata charge is paid, and will be based on the current prices of materials, labor, and equipment as determined by water and sewer construction crew cost records and as established by the Water and Sewer Department and the Engineering Department. "

"Sec. 31.48. Same-----Refunds.

Contracts for refunds as provided in this article shall be executed by the developer and the city manager. The term of the contract shall be fifteen years and the city shall not be liable for refunds after the term of the contract. No interest shall be paid by the city for any money on which refunds are due.

Refunds of money paid in excess of the pro rata charge shall be made within thirty days after April first or October first of each year for all refunds earned during the preceding six months. Refunds shall be earned when pro rata payments have been made for property on which the refund is based.

When an owner or developer has a refund due as a result of payment of the pro rata charge on adjacent property which he also owns, this earned refund may be credited to the pro rata payment due on the adjacent property at the time the adjacent property is platted. "

"Sec. 31-50. Charges for making water connections;
applicability of charges.

A charge shall be made by the city Water & Sewer Department for each new tapping of the water mains for a connection. Such charge shall be determined by the size of the connection. A tap shall include all pipe, valves, fittings, the meter box and other materials necessary, including paving repair, to convey water from the main to the meter. If the main is in the street, the meter shall be set one foot inside the curb line; if in the alley, one foot off the property line in the alley. From the following schedule shall be determined the charge for making taps, such charge payable in advance:

| <u>Size of Service Line</u> | <u>Tapping Charge</u> |
|-----------------------------------|-----------------------|
| 3/4 inch..... | \$ 75.00 |
| 1 inch..... | 140.00 |
| 1 1/2 inches..... | 225.00 |
| 2 inches..... | 350.00 |
| Larger than 2 inch tap, cost plus | |

For any connection larger than two inches, such connection shall be made under a specific contract between the consumer and the city, acting through the city Water & Sewer Department.

An owner or developer who requests a retap, or a tap of larger size shall be given credit only for the current cost of the meter. "

"Sec. 31-53. Engineering work done by city.

The engineering work necessary to prepare plans and inspect the construction required to provide water or sewer service under this article shall be done by the city engineering department or may be done by a private professional registered engineer, and such work shall be approved by the city engineer.

The cost of the extension required to serve the property shall include the actual cost of engineering for the total cost of construction, and shall be paid for by the property owner of developer.

Plans for extensions shall conform to the ultimate utility plan and shall include all necessary mains, lines and appurtenances required to provide domestic service and fire protection.

The city shall provide the property owner or developer copies of the plans and cost estimates upon request and make a final breakdown of the actual quantities and costs of work done when the developer has employed a private contractor to do the construction. If the engineering for water or sewer extensions is performed by a private engineer, he shall furnish the city engineer with such reproducible drawings as he shall request, and estimates of quantities and costs.

The cost estimates, as provided, shall be subject to change to conform to the actual work required to satisfy conditions existing at the location.

No construction of water or sewer facilities shall be started until the developer has provided property survey corners for all lots to be served by the extensions. "

"Sec. 31-54. Installation of water and sewer facilities by developer.

The property owner or developer of a tract of land being platted and served by water or sewer facilities, may hire a private contractor to install the complete water or sewer facilities including mains, approach mains, valves, manholes, hydrants, etc., except work required to be done by the city such as paving repair, wet connections, etc., all in accordance with the plans made or approved by and under the supervision of the city engineer. Payment for the work to be done by the city shall be made prior to the starting of any construction.

When the developer chooses to construct the water or sewer facilities after the plat is filed or recorded in the county clerk's office, he shall provide the city with performance security as required in the Subdivision Regulations.

The developer shall, when the city will be participating in the cost of the water or sewer facilities, provide the city with a copy of the contract between him and his contractor for the construction of improvements for his development and shall, at the city's option, receive sealed competitive bids for such work in order to determine the fair value of the system.

(a) Sanitary Sewer Lift Stations. Sewer lift stations installations to service a newly developing area will be approved by the city for the following conditions only:

(1) In areas that cannot be served by the extension of a trunk main from an adjacent area.

(2) In areas where there is no other reasonable way to provide sewer service.

(3) When the City Council refuses to authorize the expenditure of city funds for the normal city's portion of large mains (all sewer mains determined by the City Engineer or the Director of Water & Sewer to be larger than ten inches in diameter). In cases where a sewer lift station is approved, the entire station is approved, the entire cost of installing will be paid by the developer.

(b) Water and Sewer Service From Boundary Street or Alley Mains. When a developer wishes to service a portion of his addition from water and/or sewer mains installed by an adjacent developer or when it is determined by the City Engineer to be the most expeditious way to serve the lots the following procedures will be followed:

(1) The developers should make an equitable arrangement between themselves, with the developer who installed the mains giving written consent for the adjoining developer to "tie on" to the existing main.

(2) In the absence of an agreement between developers, the city will authorize taps based on the terms of a refundable contract, or when such contract does not exist according to the terms of a refundable usual contract. "

"Sec. 31-58. Size of lines.

The size of the lines in alleys or easements established under this article shall be adequate to provide for a maximum size water meter of one and one-half inches per lot for each seventy-five feet of frontage. Payment of the pro rata charge shall permit the property owner to acquire a maximum water tap and meter of one and one-half inches or the equivalent in two or more meters per lot of each seventy-five feet of frontage.

When water service larger than one and one-half inches is desired, the property owner desiring such service shall pay the additional cost of extending or reconstructing a line of adequate size to provide the service desired. Adequate size shall be considered as twice the diameter of the water tap requested. The additional cost for making such an extension shall be refunded only when property adjacent to the extension obtains services greater than one and one-half inches after payment of their proportionate part of the cost of the original extension. In areas where the City of Abilene required a water main installation larger than eight inches in diameter, the city may agree to pay the cost of that portion of the water main over and above the eight inch size main."

PART 5: That if any provision of any section of this ordinance shall be held to be void or unconstitutional such holding shall in no way affect the validity of the remaining provisions of this ordinance, which shall remain in full force and effect.

PART 6: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

PART 7: Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene, Texas.

PASSED ON FIRST READING, this 28th day of October, A. D. 1976.

PASSED ON SECOND AND FINAL READING, this 4 day of November,
A. D. 1976.

ATTEST:

Ruth Helgoin
CITY SECRETARY

John Lee Taylor
MAYOR

APPROVED:

Henry Carroll
FIRST ASSISTANT CITY ATTORNEY