

ORDINANCE NO. 59-1987

AN ORDINANCE AMENDING CHAPTER 32 , " UTILITIES " OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

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

PART 1: That Chapter 32 , " UTILITIES " of the Abilene City Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or 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 or sections of this ordinance, which shall remain in full force and effect.

PART 3: 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 4: A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 6 day of September, 1987, the same being more than twenty-four (24) hours prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 9:00 a.m., on the 24 day of September, 1987, to permit the public to be heard prior to final consideration of this ordinance. 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.

PASSED ON FIRST READING this 27 day of August, A. D. 19 87.

PASSED ON SECOND AND FINAL READING this 24 day of September, A. D. 19 87.

ATTEST:

Patricia Hancock
CITY SECRETARY

Dale Ferguson
MAYOR

APPROVED:

Harry Cangel
CITY ATTORNEY

EXHIBIT "A"

DELETE: Current CHAPTER 32, ARTICLE V, CITY CODE, Water, Sewer Connections, Extensions and Taps.

ADD: New ARTICLE V. Water, Sewer Connections, Extensions and Taps.

Section 32-112, Intent and Purpose of Article

The intent and purpose of this article is to provide an equitable charge for connection to water mains and sanitary sewers, based on the proportionate cost of extending water and sewer service on a front-foot basis. This article is also intended to set forth procedures for extending mains and sewers to property within corporate boundaries.

No person shall acquire any vested rights under the terms and provisions of this article.

Section 32-113, Connections to Water and Sewer Mains

When a person owning a duly platted parcel of land, or unplatted as provided for by farmland exception provisions, requests connection of such land to water and/or sanitary sewer services owned by the City, there shall be a service charge due on all such property to which lines are connected. This charge shall also include all costs necessary to connect mains or sewers which lie across streets bordering property to which connection is proposed. This charge shall be known as the pro rata charge. It shall represent a portion of the costs of providing water or sewer facilities to serve the property on which the pro rata is paid. It shall be payable before service is provided. Application for connection shall be made with the Director of Water Utilities.

The fees and charges for services furnished by the City, shall be determined from time to time and placed on file in the office of the City Secretary.

- (a) At such time the average cost of main construction exceeds the above rates, the City Council may revise said rates based upon the recommendation of the Director of Water Utilities.

(b) There shall be a separate charge for tapping mains to make a connection and setting meters.

(c) Basis for pro rata charges:

- (1) The pro rata charge is based on the entire front foot length of the property for which connection has been requested, parallel and/or running along side the main to which service is to be connected, except as provided below.
- (2) The maximum footage used as the basis for calculation shall be 200 feet when the applicant desires no greater than a 1" tap and 1" meter to connect service.

Where facilities larger than those described above are desired, the pro rata charge shall be based on the entire front foot length of lot frontage parallel and/or running alongside main(s) to which service is to be connected. Where the lot is irregular in shape, the basis for calculation shall be as determined below.

(3) Irregularly shaped lot.

An irregularly shaped lot is characterized by one or more of the following:

- (a) Is not a rectangle or square.
- (b) The entire lot width is not found at the right-of-way line.
- (c) The mean horizontal distance between side lot lines is greater than that found at the street right-of-way line.
- (d) Boundary lines are defined by more than four 90° angles.

To arrive at a basis for the pro rata charge on an irregularly shaped parcel, all sides of the property shall be added together to arrive at an average front foot length and the resulting figure shall be applied to the appropriate per foot cost above.

(4) Connections to land not included within a duly-recorded plat shall apply to farmland meeting the following specifications:

- (a) Not be legally platted,
- (b) Have twenty (20) acres or more in area,
- (c) Be used for no primary purpose other than farming or ranching,
- (d) Have no more than one single family residence thereon.

Under this farmland exception, the pro rata charge shall be based on just two hundred (200) feet of frontage, although the actual frontage may be greater. In order to obtain a water or sewer connection under this exception, the applicant must execute a farmland exception application provided by the Director of Planning. Pro rata application may then be made with the Director of Water Utilities. Only one exception shall be granted for such tract of land. Land eligible for service under this exception shall have only one 3/4" water line and one 5/8" water meter provided.

Section 32-114, Extension of Water & Sewer Mains

When a person owning a parcel of land within City limits, either platted for record or unplatted as allowed by farmland exception provisions, requests extension of water or sewer mains and appurtenances owned by the City of Abilene to serve such property, the City shall permit the extension in accordance with provisions included herein.

- (a) Upon the request of the owner or his agent, also referred to as applicant, the City may allow construction of all necessary water mains, sanitary sewers and all appurtenances at the expense of the applicant to provide service to the property for which application is made. The minimum size of water or sewer mains shall be six (6) inches in diameter.

Such extensions shall be made across the entire frontage of the property being served. Where said property has more than one frontage on a public right-of-way the extension shall be made along the entire side of at least one front. Extensions shall carry beyond driveways or other openings to the property.

Said mains shall be located in rights-of-way or easement provided by applicant.

- (b) Where, in the opinions of the Directors of Planning and Water Utilities, other intervening or nearby property owners will benefit from the extensions and request connection, the City may participate in the cost of extending a main.
- (c) The City may participate with the applicant in the oversize cost of any water main larger than eight inches in diameter, or any sewer main larger than ten inches, unless such larger size is necessary to serve the property, in which case municipal participation will not occur. Size of mains necessary for adequate service shall be determined by the Water Utility Department.

Section 32-115, Installation of Water and Sewer Extensions

Unless otherwise specified in this article, required water and sewer extensions (including mains, valves, manholes, hydrants, etc.) may be installed either by private contractor or by City crews, at the expense of the individual landowner or developer requiring the extension.

All water and sewer facilities, whether installed by the City or by private contractor, shall be completed in accordance with City subdivision regulations as well as all construction standards, codes and specifications adopted by the City. Water and sewer service shall only be provided to property owners from dedicated rights-of-way, or easements. No construction of water or sewer facilities shall be started until the developer has provided the City Engineer with survey corners for all lots to be served by the extensions. (Ord. No. 25-1981, Pt. 1, 3-12-81)

Section 32-116, Engineering Water and Sewer Extensions

Engineering work necessary to prepare plans, estimate costs, and inspect construction required to provide water or sewer service under the terms of this article shall be done either by private professional registered engineer or by the City Engineer's office. In either case, all such work shall be approved by the City Engineer.

If engineering work is performed by a private engineer, he shall furnish the City with such reproducible drawings as the City Engineer shall request, as well as estimates of quantities and costs of construction work to be completed. Cost estimates shall include all engineering, materials, labor, paving repair, etc., necessary to complete the required facilities. Persons submitting cost estimates for water and sewer facilities may also be required, at the City's option, to receive competitive bids to determine the fair value of the system. Such bids shall be submitted in accordance with the City's forms, plans, and specifications.

If engineering work is prepared by the City, but a developer has employed a private contractor to do the construction, the City shall provide the developer copies of the plans and cost estimates upon request. (Ord. No. 25-1981, Pt. 1, 3-12-81)

Section 32-117, Pro Rata Water and Sewer Account; Disposition of Revenue

There shall be a pro rata water and sewer account maintained as part of the City's account. All money received for pro rata payments or for payment of the total cost of water and sewer extensions as provided in this article shall be deposited in the pro rata water and sewer account.

Payment of the pro rata charge or the total cost of extensions as provided in this article shall authorize the Director of Water Utilities to cause the required construction to be done. All charges for work done to extend water and sanitary sewer service shall be charged to the water and sewer pro rata account.

Pro rata charges shall be refunded to certain landowners or developers who, under the terms of a previous ordinance, are entitled to pro rata charges collected from property owners connecting to mains which they, the landowners or developers to be refunded, have paid to be installed. In accordance with that previous ordinance, refunds shall be made only for a period of fifteen (15) years following the City's acceptance of such mains.

Section 32-118, Extensions by City to Alleviate Certain Conditions

Nothing in this article shall prevent the City Council from authorizing extensions of water or sewer mains, at its own expense, into densely populated areas and other locations where the public welfare would best be served by making water or sewer service available.

The City may also extend water or sewer facilities through an entire block upon payment of pro rata charges by the owner(s) of just one or a few of the adjacent lots, when the Director of Water Utilities determines it is more economical to make one long extension rather than several short extensions as pro rata payments are made. (Ord. No. 25-1981, Pt. 1, 3-12-81)

Section 32-119, Tapping Water Mains

- (a) A separate tapping charge shall be payable for each connection to a City water main. The utility department shall perform all taps to water mains. A tap shall include all appurtenances to carry water from the main to the water meter. The property owner to which service is being extended shall be responsible for installation and maintenance of service lines beyond the meter.
- (b) Tap sizes of one inch and larger that require a meter set shall have a main size that is at least 50% greater in size than the meter.
- (c) Fees charged for tapping shall be as outlined in the Schedule of Rates and Charges established by the Water Utility Department.

Section 32-120, Tapping Sewer Mains

- (a) Tapping sewer mains shall be performed either by the City or a licensed plumber. All tapping procedures shall follow the standard procedures and requirements of the Building Inspection Department.
- (b) All sewer mains twelve (12) inches and larger shall require a manhole entrance for access to the main. Any exceptions shall require the Director of Utilities approval.