

Ordinance No. 719
Water and Sewer Main Extension Ordinance

AN ORDINANCE REGULATING THE INSTALLATION OF WATER AND SEWER MAIN EXTENSIONS, PROVIDING FOR PRO RATA CHARGES, SETTING RATES FOR SUCH CHARGES; PROVIDING METHOD FOR EXTENSIONS BY DEVELOPERS AND INDIVIDUAL PROPERTY OWNERS; ESTABLISHING A WATER AND SEWER EXTENSION FUND; DESCRIBING PROCEDURE FOR REFUNDS; DECLARING CERTAIN PROPERTY EXEMPT; SETTING FEES FOR WATER AND/OR SEWER CONNECTIONS; REPEALING ALL CONFLICTING ORDINANCES AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the City Council of the City of Mesquite finds it necessary to provide an equitable basis for the extension of water and sewer to property desiring such service and, whereas the City Council finds this ordinance to be in the public interest and general welfare; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE:

ARTICLE I
Pro Rata Charges

SECTION 1. Existing mains adjacent to property other than subdivisions

A. Where an area, lot, or tract of land abuts any existing water or sanitary sewer main, and when said water or sanitary sewer main spans the complete frontage of the area, lot or tract of land, then the following charges, known as "pro rata" shall be made against the owner of the area, lot, or tract of land seeking a connection to the water or sanitary sewer main.

\$2.25 per front foot for the area, lot, or tract of land seeking a connection to an existing water main.

\$1.50 per front foot for the area, lot, or tract of land seeking a connection to an existing sanitary sewer.

B. All single family residential lots, areas or tracts of land located at a standard right angle street intersection shall only be charged a pro rata on the shortest street frontage, regardless of the location of the water main or sanitary sewer.

C. Where lots or tracts are intended to be used for apartments, business, commercial or industrial purposes or have a depth greater than 150 feet from the front street line, then the pro rata herein provided shall be paid on the frontage for all streets which the property may abut minus 150 feet frontage for each corner of the property abutting a street intersection.

Should said property be re-subdivided whereby water or sewer main extensions are required to serve the same, the terms of this ordinance shall apply and additional pro rata charges shall be made based on such additional street frontage.

D. On lots, areas or tracts of land which extend through from one street to another, with frontage on both streets, and when the average distance of the property lines connecting the street lines is 255 feet or more, then a pro rata shall be charged on both frontages when the owner seeks a connection to an existing water main or sanitary sewer.

E. Where lots, areas or tracts of land are irregular in size or shape, then the pro rata charges shall be based upon the equivalent rectangular lots or tracts using one front foot for each 120 square feet of area, or the pro rata charges provided by this section on the average frontage of such tracts, whichever is least.

ARTICLE II

Main Extensions for Individual Property Owners

SECTION 1. Single Family Residential

A. Upon request of the owner, or his agent, also referred to in this article as the applicant, on a given lot, due under this article, the City shall extend, lay or construct all necessary water mains and sanitary sewers and their appurtenances, a distance of 100 feet, plus the distance across the frontage necessary to provide the service for which the application is made, providing the necessary funds are available. The property owner to be served shall be required to pay the charges provided for in Article I, Section 1A, at such time as their property is connected to such mains. Where an applicant for service secures an extension and service under this particular option for main extension, he shall pay the pro rata charges on all property owned by him and which is served by the extension requested. In applying the 100 foot rule, the required extension of main shall be figured in such manner as to leave out of the calculations that portion of any main adjacent to property already having other than a temporary water service, and for which the pro rata charges thereon have been paid or credited under the terms of this article.

B. In the event that the property seeking a water or sewer connection is outside the limits of the 100 foot rule, then the applicant shall extend the said water main or sanitary sewer from the nearest standard size existing water main or sanitary sewer as determined by the Utility Department. The extension, less the cost of 100 feet per applicant as provided in Article II, Section 1A, shall be constructed by the City at the owner's

expense and shall be extended across the complete frontage of said area, lot or tract of land seeking the connection when said main extension is located in a street right-of-way, alley or existing easement. If an additional easement is necessary to extend the water main or sanitary sewer across the said lot, area or tract of land, then the owner of the property seeking a connection shall provide the City with an easement as required by the Utility Department. The owners of all intervening property served by the given main extension shall be required to pay the pro rata charges as established in Article I, Section 1A, at such time as their property is connected to such main, and the pro rata charges collected by the City in accordance with this article, shall be refunded to the original investor, up to a period of ten (10) years from the date of acceptance of said main and in no case shall the refunds exceed the total cost of the installation.

SECTION 2. Business, Industrial, Commercial, Apartment and Property other than Single-Family Residential

A. When the owner of an area, lot or tract of land zoned other than single-family residential, seeks a water or sewer connection and no standard size water mains or sanitary sewers are adjacent to, upon, or span the complete frontage or distance required across the front of said area, lot or tract of land, the owner shall extend the said water main or sanitary sewer from the nearest standard size existing main as determined by the Utility Department. The extension shall be constructed either by the City or by the owner's contractor, at the owner's expense and shall be extended across the complete frontage of said area, lot or tract of land when said main extension is located in a street right-of-way, alley or an existing easement. If an additional easement is necessary to extend the water main or sanitary sewer across the said lot, area or tract of land, then the owner of the property seeking a connection shall provide the City with an easement as required by the Utility Department.

B. The Utility Department shall determine the size of the required main extension in accordance with the City's Master Water and Sewer Plan, and shall also determine the location of all necessary appurtenances such as fire hydrants, valves, man-holes, cleanouts, and other items which may be necessary for proper operation and use of said water or sewer installation.

C. All proposed water and sanitary sewer installations to be installed by the applicant's contractor shall be designed by a registered professional engineer in the State of Texas, and the said engineer shall submit to the Utility Department, three copies of the complete engineering plans for said water or sewer improvements. The Utility Department shall review the plans and

specifications, and if approved, shall mark them approved and return one set to the applicant's engineer. If not approved, two sets of the engineering plans shall be marked with the objections noted and returned to the applicant's engineer for correction. The same procedure shall be followed until the engineering plans are approved. After approval of the engineering plans and specifications, the applicant shall cause his contractor to install the water or sewer facilities in accordance with the approved engineering plans and specifications and these regulations. The applicant shall cause his engineer to design, stake, and supervise the construction of such improvements and shall cause his contractor to construct the said improvements in accordance with these regulations. The City will inspect the installation of the improvements. When found to be installed in accordance with the plans and specifications, and after the improvements have been completed and upon receipt by the City of Mesquite of a one-year maintenance bond in the amount of 10% of the contract price, along with three sets of "As-Built" plans and one set of "As-Built" Sepias, and upon receipt of a letter of the contractor's compliance with these regulations, then the Utility Department shall receive and approve for the City of Mesquite the title, use and normal maintenance of the improvements.

D. When said main installations have been accepted by the City in accordance with the aforementioned criteria, the City will agree to refund to the applicant any pro rata collected from other parties, firms, or corporations seeking a connection to the said water main or sanitary sewer installed by said applicant. The pro rata shall be collected at the rates established in Article I, Section 1A of this ordinance and the City will only be responsible for refunding the collected pro rata funds for a period not to exceed ten (10) years from the date of acceptance of the said water and sewer installation. All refunds shall be made on a semi-annual basis on the last day of June and December.

E. Where extension is requested by an industry or commercial concern using large quantities of water, such extension may be made at the discretion of the City Council, provided 40% of the estimated annual revenue for such customer will support interest and principal payments on the total cost of the extension required to serve.

ARTICLE III

Main Extension for Developers and Subdivisions

SECTION 1. On-Site Extensions - Totally within property to be developed

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A. A developer shall defray the entire cost of water and sewer mains and all appurtenances that lie totally within a subdivision, except that the City of Mesquite will refund the oversize cost as established in Article VI of any main larger than 8" in diameter, unless such larger size is necessary to serve the developer's property in question. Size of mains necessary for adequate service shall be determined by the Utility Department in accordance with the City's Master Water and Sewer Plan. Refunds for oversize cost will be made upon final acceptance of the system by the City, providing the funds are available.

SECTION 2. Along-Site Mains - Lying along one or more sides of a subdivided tract and serving property other than the subdivision for which the extensions are made

A. For all water and sanitary sewer mains, the developer will be refunded any collected pro rata in accordance with Article I, Section 1A of this ordinance, as adjacent property develops and said refunds shall only be made for a period not to exceed ten (10) years from the date of acceptance of the said water and sewer installation.

B. For water and sanitary sewer mains, larger than 8" in diameter, the developer will be refunded the oversize cost as established in Article VI and as adjacent property develops, the developer will be refunded any collected pro rata as established in Article I, Section 1A of this ordinance.

C. Where along-site mains exist, the developer shall pay to the City of Mesquite, a pro rata in the amount as established in Article I, Section 1A of this ordinance, and said pro rata payments shall be paid before any building permits are issued for any lot, area or parcel of land situated inside the boundaries of said subdivision.

SECTION 3. Off-Site Extensions - Totally outside of property to be developed

A. Where water and/or sanitary sewer facilities are not available to a tract to be developed, mains may be extended by the City of Mesquite to the nearest subdivision property line at the expense of the developer requiring such extension, or the developer shall cause his contractor to install said water or sewer facilities in accordance with Article II, Section 2 of this ordinance.

B. Pro rata collections and refunds shall be made in the following manner:

Water Mains - As property adjacent to said water main installation develops and pays all due pro rata in accordance with

Article I, Section 1A of this ordinance, then all pro rata collected by the City shall be refunded to the developer or investor who caused such water main to be installed. Refunds shall not exceed the actual cost of said water main installation and said refunds shall only be made for a period of ten (10) years from the date of City's acceptance of said water main installation.

Sanitary Sewers - As property adjacent to the sanitary sewer develops and connects to said sanitary sewer installation and pays all due pro rata in accordance with Article I, Section 1A of this ordinance, then all pro rata collected by the City shall be refunded to the developer or investor who caused said sanitary sewer installation to be installed. As other property not adjacent to said sanitary sewer installation develops and connects to or produces a flow of sewage, either directly or indirectly, through the said sanitary sewer installation, a sanitary sewer acreage pro rata in the amount of \$125.00 per acre shall be collected from said property by the City and shall be refunded to the developer or investor who caused such sanitary sewer installation to be installed. In the event where a single sanitary sewer line has been developed and constructed in more than one section and where more than one developer or investor is involved, then all acreage pro rata collected from property not adjacent to said sanitary sewer installation shall be refunded to the developer or investor who caused the initial section of said sanitary sewer facilities to be installed. As such time when the initial installation has been retired, then all collected pro rata shall be refunded to the developer or investor who caused the installation of said second section. This same procedure shall be followed with any number of developers or investors who caused said sanitary sewer line to be installed. Refunds shall not exceed the actual cost of said sanitary sewer main installation and said refunds shall only be made for a period of ten (10) years from the date of City's acceptance of said sanitary sewer main installation.

SECTION 4. Mains in place within the property to be developed

A. Should an existing water main or sanitary sewer lie in a street, alley or easement within a tract of land to be subdivided and developed for resale, before extensions from or connections to such line shall be made by a developer, he shall pay to the City of Mesquite the following pro rata:

\$4.50 per front foot for the area, lot or tract of land seeking a connection to an existing water main.

\$3.00 per front foot for the area, lot or tract of land seeking a connection to any existing sanitary sewer.

Should such mains lie along the subdivision and serve one side only, one-half of the above costs shall be paid.

SECTION 5. Methods by which water and sewer mains for subdivisions or developments may be constructed

A. On-Site Facilities

On-site water and sewer facilities shall be constructed by private contract at the developer's expense in accordance with the City of Mesquite Sub-Division Regulations and all construction standards and specifications adopted by the Mesquite City Council.

B. Off-Site Facilities

Private Contract - Off-site water and sewer facilities shall be constructed by private contract at the developer's expense in accordance with the City of Mesquite Sub-Division Regulations and all construction standards and specifications adopted by the Mesquite City Council.

City Contract - A developer of a subdivision may deposit with the City the total estimated cost of such extensions required to serve his property, including the cost of approach and off-site mains fronting property not owned by the developer. Upon receipt of the required amount of money, the City of Mesquite will construct such mains and upon the determination of final completion cost will refund any excess amount deposited, or require from developer additional funds to defray the entire cost of the project. Refundable amounts for off-site costs or oversize costs will be determined by the Utility Department as established in Article III, Section 3 and Article VI of this ordinance.

**Article IV
Establishing Refunding Procedure**

SECTION 1. All refunds provided for in this ordinance shall be made at six month intervals (June 31 and December 31) of each year, and shall include funds then accrued to the credit of the developers and others. A refund contract entered into by any property owner and the City of Mesquite under the provisions of this ordinance shall be effective only for a period ten (10) years after the date of said contract. No refunds will be made by the City of Mesquite to any applicant or contracting party

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after this ten year period has expired, nor shall the City of Mesquite ever be liable for payment of interest on any deposits or refunds provided for herein.

SECTION 2. This ordinance shall not affect or change any agreement or contract for providing water and sewer services which was entered into by the City of Mesquite on or before the effective date of this ordinance.

ARTICLE V
Water and Sewer Service Connections

SECTION 1. Water Service Connection

A. The City of Mesquite shall install and maintain all water service connections in the streets, alleys, and easements, and shall charge for the installation and maintenance of all such connections a sum sufficient to cover the average cost thereof; such sum is to be determined and collected by the Utility Department and shall be at the following rate:

	Meter & Box	Tap Charge	Total
3/4" service-	\$ 38.00	\$25.00	\$ 63.00
1" service-	75.00	35.00	110.00
1½" service-	144.00	45.00	189.00
2" service-	287.00	65.00	352.00

Service lines that require the cutting or boring of paved streets or alleys will be subject to a charge of \$2.00 for each lineal foot of bore or cut necessary for installation. For services larger than 2" in diameter, an estimate of the cost for the connection will be provided by the Utility Department, and a deposit of the estimated amount will be required before work is started on the installation of such connection. Should the final cost of the work exceed the amount of the deposit, a refund of over-payment will be immediately made to the person from whom the deposit was received.

B. Where service lines have been installed by developer the water service connection rate shall be reduced by the amount of the tap charge as shown for related sizes.

C. All water services for construction purposes shall be metered and subject to the same regulations and billings as permanent water accounts.

SECTION 2. Sanitary Sewer Service Connection

A. The City of Mesquite shall install all sanitary sewer service connections in the streets, alleys, and easements both

inside and outside the City Limits. Said service connections shall be installed from the main to the property line when the sewer main is located in an alley or a street right-of-way; if the sewer main is in an easement, the service connection shall be installed from the sewer main to the easement boundary line. The City of Mesquite shall charge for each sewer lateral connection, the following:

4" lateral	\$45.00
6" lateral	65.00
8" lateral	85.00

Service lines that require the cutting or boring of paved streets or alleys will be subject to a charge of \$2.00 for each lineal foot of bore or \$1.50 per square foot on street or alley pavement cut necessary for installation.

B. The property owner shall install a service line at his expense to the City's lateral, in accordance with regulations and subject to the inspection of the City; and shall thereafter be responsible for normal maintenance of said service line from the house to the property line.

C. Each house or building within the City of Mesquite shall be served by a separate and independent sanitary sewer connection. Where the service laterals have been installed by a developer to serve a lot or tract of land, said lot or tract of land shall be exempt from a connection charge.

ARTICLE VI

Evaluated prices for determination of oversize cost and off-site facilities:

SECTION 1. Water Mains and Appurtenances

4" Cement lined, Class 150, Cast Iron Water Pipe	\$ 2.25
6" " " " " " " " "	3.25
8" " " " " " " " "	4.00
12" " " " " " " " "	7.50
16" " " " " " " " "	10.50
Fittings, per ton	4.50
Standard Fire Hydrant	210.00
4" Gate Valve, each	60.00
6" " " " " " " " "	85.00
8" " " " " " " " "	125.00
12" " " " " " " " "	240.00
16" " " " " " " " "	650.00
For 3/4" copper water service	30.00
For 1" " " " " " " " "	45.00
For 1 1/2" " " " " " " " "	75.00
For 2" " " " " " " " "	100.00

The unit prices above are inclusive of all concrete, wet connections, gravel foundation, and granular backfill which may be necessary.

SECTION 2. Sanitary Sewer Mains and Appurtenances

6" Vitrified Clay Tile Pipe	\$ 2.25
8" " " " "	3.00
10" " " " "	4.50
12" " " " "	6.00
15" " " " "	8.00
18" " " " "	9.00
21" " " " "	10.00
24" " " " "	12.00
Standard 4.0' diameter manhole - to 8' depth	200.00
For extra depth manhole per foot over 8'	25.00
Standard Cleanout	40.00
2,000 pound concrete, per cubic yard	18.00
Class 3 embedment (per cubic yard)	5.00
Granular materials (per cubic yard)	2.00
4" diameter street lateral	30.00
4" diameter alley lateral	15.00

ARTICLE VII

Purpose of Ordinance; Where front foot rule inequitable; No vested right;

SECTION 1. The intent and purpose of this ordinance is to provide an equitable charge for water and sanitary sewer connections as a proportionate distribution of the cost of water and sanitary sewer main extensions to serve property in the City of Mesquite on a front foot basis. 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 of Mesquite, then, in that event, the City Council shall determine the proper charge in accordance with the intent and purpose of this ordinance.

ARTICLE VIII

Provisions of ordinance to be considered severable, emergency declared.

SECTION 1. That it is the intent of the City Council that each article, section, paragraph, sentence, phrase, and word of this ordinance be considered severable; and that in the event any such above-named provision of this ordinance be declared unconstitutional or unlawful for any reason, those words, phrases, sentences, paragraphs, sections, and articles left remaining shall be considered as though enacted independently of such unlawful or unconstitutional provisions.

SECTION 2. That the present ordinances of the City of Mesquite are inadequate to provide for an equitable reimbursement of developer's expenses incurred in the installation of water mains and sanitary sewers results in an impediment to the orderly

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development of the City, and thereby creates an urgency and emergency in the interest of the public health, safety, and welfare, and makes essential that this ordinance shall take effect immediately from and after its date of passage.

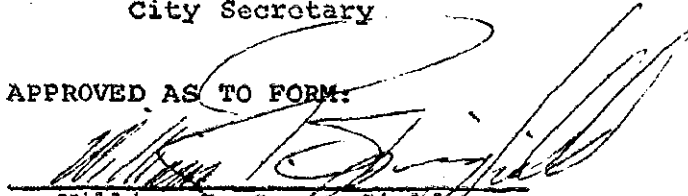
Passed and approved by the City Council of the City of Mesquite, Texas on this the 15 day of January, 1968.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:


William R. Springfield
City Attorney

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