

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REPEALING ARTICLE VI OF CHAPTER 18 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AND ENACTING A NEW ARTICLE VI THERETO; BY PROVIDING FOR A REVISED WATER AND SEWER POLICY; BY PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That the existing Article VI of Chapter 18, Mesquite City Code be repealed and a new Article VI thereto be enacted to read as follows:

"Article VI. Charges for Water and Sanitary Sewer Connections."

Sec. 18-102. Purpose; where front foot rule inequitable City Council shall determine charge.

The intent and purpose of this article 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 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, then, in that event, the City Council shall determine the proper charge in accordance with the intent and purpose of this Article.

Sec. 18-103. Pro Rata Charges.

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 such 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.

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

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

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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 of frontage for each corner of the property abutting a street intersection. Should said property be resubdivided 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 pro rata shall be charged on both frontages when the owner seeks a connection to an existing water main or sanitary sewer line.

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.

F. Pro rata charges for service outside the corporate limits of the City of Mesquite shall be determined and set forth in a specific agreement with the municipality or other governmental entity involved.

Sec. 18-104. Main Extensions - Individual Property Owners.

1. Single family residential.

A. Upon request of the owner, or his agent, also referred to in this section as the applicant, on a given lot, due under this section, the City shall extend, lay or construct all necessary water mains and sanitary sewer lines 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 Section 18-103, Paragraph 1A, at such time as their property is connected to such mains. Where an applicant 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 section.

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 line from the nearest standard size existing water main or sanitary sewer line as determined by the Community Development Department. The extension, less the cost of 100 feet per applicant as provided in Section 18-104, Paragraph 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 line 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 Community Development 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 Section 18-103, Paragraph 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 section, 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.

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 sewer mains 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 main from the nearest standard size existing main as determined by the Community Development Department. The extension shall be constructed 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 main 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 Community Development Department.

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b. The Community Development Department shall determine the size of the required main extension in accordance with the City's Comprehensive Water and Sewer Plans and shall also determine the location of all necessary appurtenances such as fire hydrants, valves, manholes, 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 professional Civil Engineer, registered in the State of Texas, and the said engineer shall submit to the Community Development Department three copies of the complete engineering plans for said water or sewer improvements. The Community Development and Public Services Departments shall review the plans and specifications and, if approved, the Community Development Department shall mark them approved and return one set to the applicant's engineer. If not approved, one set 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 upon receipt of a letter of the contractor's compliance with these regulations, the Community Development Department shall receive and approve for the City of Mesquite the title, use and normal maintenance of the improvements, subject to the provisions of the maintenance bond.

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 main installed by said applicant. The pro rata shall be collected at the rates established in Section 18-103, Paragraph 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.

F. In lieu of the above procedures, the City Council may consider and determine the necessity for the extension and construction of water and/or sanitary sewer main improvements by providing for the payment of a part of the cost of such improvements by assessments to be made against the benefited property and the owners thereof under the terms and provisions of Article 1110c, V.T.C.S. as amended, and as may hereafter be amended.

Sec. 18-105. Main Extensions - Developers and Subdividers.

1. On-Site Extensions, totally within property to be developed.

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 Section 18-106 of any main larger than 8-inches 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 Community Development Department in accordance with the City's Comprehensive Water and Sewer Plans. Refunds for oversize cost will be made upon final acceptance of the system by the City, providing the funds are available.

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 Section 18-103, Paragraph 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-inches in diameter, the developer will be refunded the oversize cost as established in Section 18-106 and as adjacent property develops, the developer will be refunded any collected pro rata as established in Section 18-103, Paragraph 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 Section 18-103, Paragraph 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.

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3. Off-Site Extensions, totally outside of property to be developed.

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

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 Section 18-103, Paragraph 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 Sewer mains - As property adjacent to the sanitary sewer main installation develops and connects to said sanitary sewer installation and pays all due pro rata in accordance with Section 18-103, Paragraph 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 \$175.00 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. At 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.

C. Pro rata charges for service outside the corporate

limits of the City of Mesquite shall be determined and set forth in a specific agreement with the municipality or other governmental entity involved. 00007

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

A. Should an existing water main or sanitary sewer main 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:

\$9.00 per front foot for the area, lot or tract of land seeking a connection to an existing water main.

\$9.00 per front foot for the area, lot or tract of land seeking a connection to any existing sanitary sewer main.

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

Sec. 18-106. Determination of City Participation in Oversize Cost.

For water and sanitary sewer mains larger than 8 inches in size required by the City to be installed by a developer, the developer will be refunded the difference between the cost of such larger mains and the cost of an 8-inch main, or such larger size as may be necessary to serve the subdivision or development for which extensions are required. To determine this difference in costs generally, actual bid prices shall be used subject to city's review for reasonableness. Refunds, subject to the availability of funds, will be made upon acceptance of the main by the City.

Sec. 18-107. Service Connection - Water.

A. The City 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 Division and shall be at the following rates:

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	<u>Meter and Box</u>	<u>Tap Charge</u>	<u>Total</u>
3/4" service	\$ 75.00	\$ 50.00	\$125.00
1" service	90.00	55.00	145.00
1 1/2" service	200.00	75.00	275.00
2" service-magnetic	300.00	120.00	420.00
2" service-compound	495.00	120.00	615.00

Service lines that require boring will be subject to a charge of \$5.00 for each lineal foot of bore. For a service that requires a utility cut a charge of \$1.75 per square foot of cut will be charged. There will be a minimum charge of \$50.00 for any utility cut or bore. The decision of a bore or cut is to be made by the Utility Division. For services larger than 2" in diameter, an estimate of the cost for the connection will be provided by the Utility Division, 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 be less than the amount of deposit, a refund of over-payment will be immediately made to the person from whom the deposit was received. Should the final cost of the work exceed the amount of deposit, billing will be immediately made to the person from whom the deposit was received.

B. Where service lines have been installed by a 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.

D. Water service connection charges for property outside the corporate limits of the City shall be determined and set forth in a specific agreement with the municipality or other governmental entity involved.

Sec. 18-108. Service Connection - Sanitary Sewer.

A. The City shall install all sanitary sewer service connections in the streets, alleys, and easements. Said service connections shall be installed from the main to the property line when the sewer main is located in an alley or 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	\$90.00
6" lateral	110.00
8" or larger lateral	total job cost to be set by Utility Division

Service lines that require the cutting or boring of paved streets or alleys will be subject to a charge of \$5.00 for each lineal foot of bore or \$1.75 per square foot of street or alley pavement cut necessary for installation. There will be a minimum charge of

\$50.00 for any utility cut or bore. The decision of a bore or utility cut will be made by the Utility Division.

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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 or building 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.

D. Sewer service connection charges for property outside the corporate limits of the City shall be determined and set forth in a specific agreement with the municipality or other government entity involved.

Sec. 18-109. Refunding Procedure.

All refunds provided for in this ordinance shall be made at six month intervals (June 30 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 of 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 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.

Sec. 18-110. Article Not to Affect Previous Contracts.

This article 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.

SECTION 2. 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 3. That the fees and charges established herein shall become effective July 21, 1980.

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SECTION 4. That the present ordinances of the City of Mesquite are inadequate to provide guidelines for currently viable economic reimbursements and revenues to the extent that such inequities constitute an impediment to the orderly 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.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on this the 21st day of July, 1980.


B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
Acting City Secretary


Elland Archer
City Attorney