ORDINANCE NO. 3013

AN ORDINANCE OF THE CITY OF CARROLLTON, TEXAS, AMENDING CHAPTER 52, SECTION 52.035 OF THE CARROLLTON CITY CODE BY THE ADDITION OF DEFINITIONS; AMENDING CHAPTER 52, SECTION 52.036 OF THE CARROLLTON CITY CODE BY CHANGING THE CITY'S AUTHORITY TO MAKE EXPANSIONS OF WATER AND SEWER SERVICE; AMENDING CHAPTER 52, SECTIONS 52.037 AND 52.038 OF THE CARROLLTON CITY CODE BY LIMITING THE EXTENSION OF SERVICES PROVIDED FOR IN THOSE SECTIONS TO PERSONS AND PROPERTY WITHIN THE CITY LIMITS; AMENDING CHAPTER 52 OF THE CARROLLTON CITY CODE BY ADDING SECTION 52.0381 TO PROVIDE FOR THE EXTENSION OF WATER UTILITIES OUTSIDE OF THE CITY LIMITS; PROVIDING FOR A PENALTY, SAVINGS, REPEAL, SEVERABILITY, AND AN EFFECTIVE DATE.

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

SECTION 1

That Chapter 52, Water and Sewer Services, Section 52.035, of Title V, Public Works, of the Carrollton Code of Ordinances is amended to read as follows:

§ 52.035 DEFINITIONS

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CCN. A certificate of convenience and necessity issued by the Texas Commission on Environmental Quality, or its successor, defining water and wastewater service areas.

City engineer. The engineering firm or individual under contract with or employed by the City (must be a registered professional engineer in the State of Texas).

Consumer. The actual user of water from a city water connection.

Expansion of service. Extensions of lines or increases in service capacity.

Property owner. The record title holder of premises served with water from a connection by the city.

Pro rata impact fee. A charge made against the consumer or property owner to pay for installation of water and sanitary sewer mains as provided for in this subchapter.

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Standard size water main. A water main six inches or greater in diameter.

Substandard size water main. A water main less than six inches in diameter.

SECTION 2

That Chapter 52, Water and Sewer Services, Section 52.036 of Title V, Public Works, of the Carrollton Code of Ordinances is amended to read as follows:

Sec. 52.036. AUTHORITY TO MAKE EXPANSIONS OF SERVICE.

- (A) The Chy may extend water and sanitary sewer mains in the streets, alleys or easements within the city limits in order to permit connections by persons desiring and seeking water service and sanitary sewer service.
- (B) Expansion of service outside the City limits but inside the City's water CCN area shall be in compliance with the City's policy for line extensions outside City limits set forth in Section 52.0381 hereof. Expansion of service into areas of the capacity within the boundaries of other governmental subdivisions shall be made only if an interlocal agreement has been entered into between the City and the other governmental subdivision governing the design, construction, inspection, and maintenance of such extensions.

SECTION 3

That Chapter 52, Water and Sewer Services, Section 52.037 of Title V, Public Works, of the Carrollton Code of Ordinances is amended to read as follows:

Sec. 52.037. EXTENSION FOR INDIVIDUAL OWNERS INSIDE CITY LIMITS.

(A) Standard method.

(1) Upon request of the owner, or his agent, of a given lot or tract of land, for the purpose of this subchapter known as the "applicant," accompanied by a payment of the charges due under this subchapter, the City shall extend, lay or construct all necessary sanitary sewer and water mains, including valves and hydrants, a distance of 100 feet, plus the distance across the frontage necessary to provide the service for which application has been made. The property owner to be served shall be required to pay the charge herein provided for. The owners of all intervening property served by the given main extension shall be required to pay the charges provided for herein at that time as their property is connected to the mains thus laid. 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 which is served by the extension requested. In applying the 100-foot rule, the required extension of mains shall be figured in a

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 charge thereon has been paid or credited under the terms of this subchapter.

(2) An exception to the above 100-foot rule shall be made where two or more individual applicants desire water and/or sewer service and the nearest applicant is more than 100 feet from existing lines, in which case the City will extend its mains upon payment of the charge due under this subchapter, provided there is one customer for each 100 feet of the extension, excluding street intersections and that portion of the extension adjacent to property already having other than temporary water and/or sewer service.

(B) Optional method.

- (1) At the option of the City, the following method for extending water and sewer mains may be used where the applicant's property is more than 100 feet from an existing water or sewer main. This method shall be available only for use by an individual owner, person or corporation to secure water and sewer service for the individual's residence or place of business. Where eligible for this option, the owner may advance and pay to the City the entire pro rata costs as set forth in this subchapter on all property served by the desired main extension, and the City, when that money has been actually deposited, will construct the desired water sewer main along a street, alley or easement. When any property for which that person has advanced the pro rata costs is connected to the main extension; then, in that event, the pro rata cost connected on that particular property shall be refunded by the City to the person making the original deposit.
- (2) In determining the basis for assessing pro rata charges, the provisions as set forth herein shall apply; however, in determining pro rata for off-site mains, the front foot method shall apply, and refunds to the original depositor shall be made on the basis of the front foot plan regardless of the basis applied when assessing the adjacent properties.
- (C) Extension for industry or commercial concern. Where an extension is requested by an industry or commercial concern using large quantities of water and which cannot meet the requirements of one customer per 100 feet of extension, such extension may be made at the discretion of the City, provided 40 percent of the estimated annual revenue from such customer will support interest and principal payments on ten-year loan on the cost of the extension, at six percent per annum.

SECTION 4

That Chapter 52, Section 52.0381, Water and Sewer Services, of Title V, Public Works, of the Carrollton Code of Ordinances is amended to read as follows:

Sec. 52.038. EXTENSIONS FOR PROPERTY INSIDE CITY LIMITS SUBDIVIDED OR PLATTED FOR DEVELOPMENT.

- (A) Where extensions of the water or sewer system are required to serve property inside the City which has been subdivided or platted for development and resale, the City may, at the discretion of the City Council, construct those offsite mains as necessary to serve the property providing that the property being served contain at least five acres and the pro rata charges as prescribed herein are equal to an amount of not less than 25 percent of the cost for main extensions.
- (B) Where extensions of the water and sewer system are requested and extension of the system does not meet the above requirements, the service may be provided under the following conditions:
- (1) The developer may deposit with the City an amount equal to the total cost of all off-street mains necessary to connect the system with the proposed development, less the additional cost involved in installing mains in excess of twelve inches in diameter. These deposits shall be refunded under conditions as hereinafter prescribed.
- (2) (a) The developer may proceed with extension of mains necessary to connect the system with the proposed development under separate contract, with all cost being borne by the developer, providing that plans and specifications have previously been approved by the City and further providing that the contractor is properly bonded and insured. Upon completion of the project, a maintenance bond shall be furnished to the City to insure all materials and workmanship for a period of two years.
- (b) After the project has been completed, the developer may file a statement of charges with the City, and after acceptance by the City Council, would be filed for refund to the developer under conditions as hereinafter prescribed. All costs incurred by the developer for extension of off-site mains in excess of twelve inches in diameter would be payable to the developer upon completion of the main extensions.
- (C) Refunds to the developer. The developer will be entitled to refund of all the cost incurred in extension of standard size off-site mains, excluding the amount of pro rata applicable to his development as prescribed herein. The total refund to the developer shall not exceed the amount of his deposit (less applicable pro rata) as defined in division (B)(1) of this section, or the amount of his statement of charges, (less applicable pro rata) as defined in division (B)(2) of this section.

- (D) In the event it becomes desirable to extend the system beyond the bounds of the development as described above, or beyond the adjacent properties where off-site mains were built or paid for by the developer, the first developer will be entitled to payment in full as described in division (C) of this section, less any previous refunds, before the main is further extended. The second developer would then be entitled to refund of charges incurred in the first and second main extensions to the limit as outlined in division (C) of this section.
- (E) The developer will bear the total cost of on-site mains, with plans and specifications to be approved by the City, except that the City will refund the cost of mains in excess of twelve inches in diameter, providing the additional main capacity is designed to serve property beyond the limits of the development.
- (F) (1) Wherever on-site mains are provided by the developer, as required by the City and the mains are considered to enhance area outside or adjacent to the area being developed, the developer will be entitled to a refund of one-half the cost of installing the mains. If the same mains are later utilized by adjacent properties in a similar manner as required of the first properties in a similar manner as required of the first developer, an amount equal to the one-half cost, as refunded to the first developer, shall be assessed against the second developer in addition to the normal pro rata charge as prescribed herein.
- (2) There shall be a maximum of ten years as a period of eligibility wherein the original depositor may request a refund of pro rata payments made under this section. The period of eligibility shall begin as of the date of final inspection and acceptance of the extensions by the City.
- (3) Where temporary lines are constructed as an expedient to develop a particular area, such as across easements, within the subdivision on which no frontage can be connected, or where sewers are constructed which otherwise are not required in the ultimate plan of development for the sanitary sewer system, the developer will bear the total cost without refund.

SECTION 5

That Chapter 52, Water and Sewer Services, of Title V, Public Works, of the Carrollton Code of Ordinances is amended by the addition of Section 52.0381 to read as follows:

Sec. 52.0381. EXPANSION OF SERVICE OUTSIDE CITY LIMITS WITHIN CITY'S WATER CCN AREA.

(A) Improvements to water utility infrastructure outside the City limits and within the City's water CCN area shall meet the requirements of AWWA standards for all materials. Water improvements shall meet City General Design Standards.

- (B) Minimum line size for all facilities constructed within the City's water CCN area shall conform to the requirements of the city's General Design Standards. The sizing and configuration of lines will be determined in an interlocal agreement, if appropriate. If service is to be extended into areas not within the boundaries of another governmental subdivision, line sizes and configuration shall be as determined by the City.
- (C) Requests for new or increased water service shall include an analysis of existing capacities to demonstrate that infrastructure capacity exists without adversely affecting the current level of service. Such analysis shall be prepared by a professional engineer at the expense of the applicant. When requests for new or increased water service cannot be met with existing infrastructure, the applicant shall be responsible for all costs associated with securing additional supply and capacity. The design and construction of all utility improvements to meet the new or increased service shall meet the City's General Design Standards.

SECTION 6

That any person who violates any provision of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine as set forth in Sections 10.99 and 52.999 for each act of violation, and for each day or part of a day during which the violation is committed, continued, or permitted. In addition, any such person may be enjoined from continuing those violations.

SECTION 7

That, save and except as set forth in this ordinance, all other ordinances shall remain in full force and effect.

SECTION 8

That all ordinances or parts of ordinances in conflict with this ordinance are specifically repealed, except as provided above.

SECTION 9

That the provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

SECTION 10

That this ordinance shall become effective from and after its passage as permitted by law.

Ordinance No	
DULY PASSED AND APPROVED by the Texas, this the4 th day of(ne City Council of the City of Carrollton, October, 2005.
ATTEST:	CITY-OF CARROLLTON, TEXAS 1 School Maller, Mayor Becky Miller, Mayor
Ashley Mitchell, City Secretary	A OLLTON AS
APPROVED AS TO FORM:	APPROVED AS TO CONTENT:
R. Clayton Hutchins City Attorney	Stephen M. Jepkins, P.E. Director of Public Works