

ORDINANCE NO. 188

AN ORDINANCE OF THE TOWN OF ANNETTA, TEXAS, ADOPTING THE TOWN OF ANNETTA WATER AND WASTEWATER INSTALLATION POLICY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Annetta, Texas is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council desires to adopt the water and wastewater extension policy by ordinance; and

WHEREAS, the Town Council does hereby deem it advisable and in the public interest to adopt the water and wastewater installation policy as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA TEXAS, THAT:

SECTION 1.

The Town of Annetta adopts the water and wastewater installation policy attached hereto as Exhibit A and incorporated herein.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the Town of Annetta, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

All rights and remedies of the Town of Annetta, Texas, are expressly saved as to any and all violations of the provisions of any other ordinances of the Town of Annetta which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 4.

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance and the adopted water and wastewater installation policy are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or policy shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or policy, since the same would have been enacted by the Town Council without the incorporation in this ordinance or policy of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

This ordinance shall be in full force and effect from and after its passage and publication as required by state law and it is so ordained.


PASSED AND APPROVED on this 19th day of October, 2017.

TOWN OF ANNETTA



Bruce Pinckard, Mayor

ATTEST:



Jamee Long, Town Secretary





Town of Annetta, Texas
Public Water Supply ID No. 1840111
Public Water System ID No. 1840164
WQ Number: WQ 13759-001

WATER AND WASTEWATER INSTALLATION POLICY

Town's Limitations. All Applicants shall recognize that the Town must comply with local, state, and federal rules and regulations as promulgated from time to time, and by covenants of current indebtedness. The Town is not required to extend retail utility service to an applicant in a subdivision where the responsible party (Applicant/Developer) of the applicable property (subdivision) has failed to comply with the terms of this policy.

The Town of Annetta hereby gives notice that any person who (1) subdivides land by dividing any lot, tract, or parcel of land, within the service area of the Town of Annetta's corporate limits, in Parker County, into two or more lots or sites for the purpose of sale or development, whether immediate or future, including re-subdivision of land for which a plat has been filed and recorded, (2) requests more than two water service connections on a single contiguous tract of land and (3) an individual residence not currently connected or in any manner related to (1) or (2) above, must comply with the extension policy contained in the Town of Annetta's Water and Wastewater Installation Policy.

The following policy shall govern the installation of all water and/or wastewater facilities within the corporate limits of the Town of Annetta, Texas (Town). Except as otherwise noted herein, Town as used in this section shall mean the Town of Annetta. This installation policy shall be cumulative of all provisions of prior ordinances for the Town. This extension policy is also severable and if any phrase, clause, sentence, paragraph, or section shall be declared unconstitutional, void, or invalid by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections.

A. WATER AND WASTEWATER FACILITIES – NEW DEVELOPMENT.

1. GENERAL REQUIREMENTS FOR NEW DEVELOPMENT.

(a) EXTENSIONS.

As of _____ (date) from which the Town of Annetta approves this water and wastewater installation policy for its corporate limits and ETJ and with agreement from the Town of Annetta South for the same, the following policy applies.

Except for property lying within the service area of a CCN owned by an entity other than the Town, all platted lots (either existing or proposed) or tracts of every subdivision shall have a Town water and wastewater facility extended to it to provide service. The developer shall inform the Town, in writing, of all lots and blocks within the subdivision/development to be served.

(b) DESIGN.

All water and/or wastewater systems shall be designed to meet the Town design requirements, including providing for fire protection. The Town adheres to the Uniform Fire Code.

To determine the water and/or wastewater facilities required to provide service to the proposed development and the surrounding properties, a comprehensive water and/or wastewater facilities study is required to evaluate the adequacy of the planned water and/or wastewater facilities for the present and future needs. The study shall include a hydraulic study for water distribution systems and/or a drainage study for the wastewater collection system. The developer's engineer shall recommend and seal the size of on-site and approach water and sewer facilities. The Town shall determine the final sizes of such facilities based upon the recommendation of the developer's engineer, review by the Town's engineer, Town design criteria, the Uniform Fire Code and other applicable criteria. The Town will include development plans into their working water distribution hydraulic model with results to the developer on any changes needed to meet design criteria.

At the time the Developer submits the Application, a Non-Standard Service Investigation Fee to cover initial administrative, legal, and engineering fees shall be paid to the Town. The balance of actual expenses shall be refundable to the Developer and any additional expenses incurred as a result of efforts by the Town to study service requirements of the Developer shall be paid by the Developer.

There are also equity buy in fees (front-end capital contributions) required by the Town in addition to the other costs required under this Section.

(c) MATERIAL/CONSTRUCTION REQUIREMENTS.

All community water/wastewater systems shall be constructed utilizing materials and construction methods meeting Town or County specifications whichever is more restrictive.

(d) COMMUNITY FACILITIES AGREEMENT.

A community facilities agreement (CFA), together with the acceptable financial guarantee required therein, will be required for the construction of any community water/wastewater system. No building permit shall be issued and no work shall be started for the installation of such community facilities unless and until the developer has contracted with the Town to provide for the installation of such improvements. Service lines shall not be connected to a water and/or wastewater facility until a CFA has been executed and the water/wastewater facilities to which they connect have been completed and accepted by the Town.

(e) APPROVAL.

All construction plans and specifications for the construction of community water/wastewater facilities shall be reviewed and approved by the Town in writing.

(f) BIDS FOR CONSTRUCTION.

The Town's Consulting Engineer shall advertise for bids for the construction of the Applicant's proposed facilities in accordance with generally accepted practices. Plans and specifications shall be made available, with or without charge, to prospective bidders. Although the Town reserves the right to reject any bid or contractor, the Town shall generally award the construction contract to the lowest and best bidder in accordance with the following criteria:

- a. The Applicant shall sign the CFA noting willingness to proceed with the project and shall pay all costs in advance of construction associated with the project;
- b. The Contractor shall provide an adequate bid bond under terms acceptable to the Town;
- c. The Contractor shall secure adequate performance and payment bonding for the project under terms acceptable to the Town;
- d. The Contractor shall supply favorable references acceptable to the Town;
- e. The Contractor shall qualify with the Town as competent to complete the work, and
- f. The Contractor shall provide adequate certificates of insurance as required by the Town.

(i) Pre-Payment for Construction and Service.

After the Developer has executed the CFA, the Developer shall pay to the Town all costs necessary for completion of the project prior to construction and in accordance with the terms of the Construction Contract.

2. STANDARD POLICY.

The developer shall cause to be constructed all water and/or wastewater facilities required to provide service to the development, subdivision or lot/tract. The division of costs of such construction shall be as follows:

(a) APPROACH FACILITIES.

(i) Standard Approach Water and Wastewater Facilities.

The developer shall be responsible for one hundred percent (100%) of the cost of the approach water and/or wastewater facility sized in accordance with the Town's design criteria and the Uniform Fire Code. The approach main and appurtenances must be capable of providing water and/or wastewater service to the development from a point in the existing water and/or wastewater system that has adequate capacity as determined by previous studies as required in Section A.1.b. Standard water pipe size shall be eight (8) inches in residential and commercial development and twelve (12) inches in industrial development, or such larger size as may be necessary to properly serve the proposed development. Standard wastewater pipe size shall be eight (8) inches, or such larger size as may be necessary to properly serve the proposed development.

(ii) Larger Approach Water and Wastewater Facilities.

Should the Town's Master Water/Wastewater Plan, Capital Improvement Plan or the Town approved developer's comprehensive water and/or wastewater facilities study indicate that a larger water and/or wastewater approach facility is required for ultimate growth considerations than the water and/or wastewater approach facility required to provide service to the development, the developer shall be responsible for one hundred percent (100%) of the cost for water and/or wastewater approach facilities designed to provide service to the proposed development. Should the Town elect to install approach facilities larger than those required by subsection (i) above, the additional cost of pipe and appurtenances shall be borne by the Town, subject to the availability of funds. In the event Town funds are not available, the developer shall install those facilities required by subsection (i) above. Town participation, if any, will be calculated in accordance with the ordinance establishing unit prices for Town participation in community facilities agreements or based upon unit prices contained within competitive bids.

(b) ON-SITE FACILITIES.

(i) Standard Size Water/Wastewater Facilities.

The developer shall be responsible for one hundred percent (100%) of the cost of all standard water/wastewater facilities required by the Town design criteria and the Uniform Fire Code. Standard water pipe size shall be six (6) inches in residential and commercial development and twelve (12) inches for industrial development, or such larger size as may be necessary to properly serve the proposed development. Standard wastewater pipe size shall be eight (8) inches, or such larger size as may be necessary to properly serve the proposed development.

(ii) Larger Than Standard Water and Wastewater Facilities.

In the event that the Town's Master Water/Wastewater Plan, Capital Improvement Plan or the Town approved developer's comprehensive water and/or wastewater facilities study indicate that a larger water and/or wastewater facility than the water and/or wastewater facility required to provide exclusive service to the development is required for ultimate growth considerations, the developer shall be responsible for one hundred percent (100%) of the cost for the water and/or wastewater facilities designed to provide exclusive service to the proposed development. Should the Town elect to install larger facilities than indicated to be necessary for the exclusive service to the development, the additional incremental cost shall be borne by the Town, calculated in accordance with the ordinance establishing unit prices for Town participation in community facilities agreements or based upon unit prices contained within competitive bids.

(iii) Service Connections.

The developer shall be responsible for one hundred percent (100%) of the cost of installation of water and/or wastewater service to each proposed or existing lot or tract within the development. Residential service connections shall be installed at the same time as the water and/or wastewater facilities are constructed.

(c) SPECIAL FACILITIES.

In those situations where the construction of water main transmission facilities or wastewater collection main facilities are not economically feasible, the developer may petition the Town to construct water supply facilities and/or package wastewater treatment facilities or water/wastewater pumping facilities, and, subject to the approval of the Town Manager and the Town Council, construct same.

(i) Facilities for Single Customer Properties.

The Town Council may authorize the construction of special facilities to serve single customer properties.

(ii) Developer Cost.

When the special facilities are designed to provide service exclusively to the development, the developer shall be responsible for one hundred percent (100%) of the cost of such facilities. In the event that the Town requires larger facilities be constructed to provide service to other areas, the developer shall be responsible for that portion which represents the cost of constructing facilities to provide exclusive service to the proposed development and the Town shall be responsible for the remainder of the cost, provided funds are available. In the event Town funds are not available, the developer shall install those special facilities as are required to provide service to the proposed development.

(iii) Best Interest of Town.

The special facilities statement of this policy shall not be construed as requiring the Town to provide water and/or wastewater service to areas where normal service, as defined in this policy, is not immediately or economically available. Rather, it is intended to permit an equitable method of providing such water and/or wastewater service where the best interests of the Town will be served by the use of such facilities.

(iv) Future Services

Until such time the Town at the Town's discretion assumes care, operation, and ownership of such facilities per the CFA, the Town is not liable or responsible for any water and/or wastewater service to the development. It is the responsibility of the Developer to deed such facilities to the Town at no cost to the Town at such time or per any CFAs.

(d) RELOCATION/REPLACEMENT OF EXISTING FACILITIES FOR NEW DEVELOPMENT.

(i) Developer Responsibilities.

Any replacement or relocation of an existing water and/or wastewater facility required by the developer to accommodate a contemplated or projected use of a property shall be the responsibility of the developer. In the event that the Town requests that a larger line be

substituted for the existing line, the Town shall be responsible for the incremental installation cost calculated in accordance with the ordinance establishing unit prices for Town participation in community facilities agreements or based upon unit prices contained within competitive bids. If the increase in size is necessary to properly serve the proposed development or to provide capacity at least equivalent to that of the existing water or wastewater facility to be replaced or relocated, the developer shall be responsible for 100% of the cost of such water and/or wastewater facility. The plans for such replacement or relocation shall be approved in writing by the Town prior to initiation of construction.

(ii) Construction of Improvements Over Existing Facilities.

No permanent structures shall be constructed over an existing wastewater main or lateral or an existing water main. In the event that the developer desires to construct a permanent structure over an existing water or wastewater facility, the developer shall be responsible for the cost of relocating the existing facility.

3. EASEMENT REQUIREMENTS.

The developer shall be responsible for the acquisition of the following easements:

(a) MINIMUM EASEMENT WIDTH.

- a. For both water pipe less than 16" and wastewater pipe less than 18", at a maximum depth of 10 feet, the width of the required easement is 15 feet.
- b. For larger pipe sizes, where the maximum depth is 10 feet, the following table shall apply:

Size Width of Easement

Water pipe between 16" and 20" 20 feet

Water pipe between 24" and 30" 25 feet

Water pipe 36" and above 30 feet

Wastewater pipe between 18" and 24" 20 feet

Wastewater pipe between 27" and 48" 25 feet

Wastewater pipe 54" and above 30 feet

- c. For all mains with depths: Depth of Pipe Times 2.0, plus the width of the pipe plus two feet, rounded up to the nearest 5 ft. width of easement shall not exceed 50 feet unless required by special circumstances.

(b) EASEMENTS WITHIN DEVELOPMENT.

Within the development the developer shall be responsible for providing the following easements:

- a. All easements required for water or wastewater facilities installed within the development.
- b. All easements that are required for larger water transmission mains or wastewater mains that are not installed as part of the initial construction of the development.
- c. It is the developer's responsibility to maintain appropriate separation distance between water and/or wastewater facilities requested by the design criteria and TCEQ standards.

(c) EASEMENTS FOR APPROACH MAINS.

- a. The developer shall be responsible for 100% of the cost to acquire easements for all approach mains sized solely to properly serve the proposed development (no over-sizing required).
- b. Where facilities are over-sized (greater than that which the developer needs to properly serve the proposed development) where the Town desires to acquire a larger easement for future facilities, the Town shall acquire all easements for approach mains through negotiation and/or condemnation. The developer shall be responsible for the cost of that portion of the easement required to properly serve the proposed development and the Town shall be responsible for that portion of the easement required for over-sizing, or for future facilities.
- c. The Town shall not be responsible to the developer for any delays, costs, expenses, or damages of any kind or nature caused to the developer during the time that the Town is in the process of acquiring any easements through negotiation and/or condemnation.
- d. In the event the developer desires to acquire the easements required in (ii) above, the developer shall notify the Town in writing. In such case, the developer shall be responsible for 100% of the cost of the entire easement.

(d) EASEMENTS REQUIRED FOR RELOCATION/REPLACEMENT.

The developer shall dedicate such easements or right-of-ways within the development as may be required to permit construction of the relocation/replacement. Responsibility for the acquisition of easements outside of the development shall be as provided for easements for approach facilities.

(e) FORMAT.

All easements instruments shall be in a standard Town format and otherwise acceptable to the Town. For each permanent easement submitted, a minimum of three easement instruments with original signature(s) of the property owner(s) and notary signature/seal are required. For each temporary construction easement submitted, a minimum of two easement instruments with original signature(s) of the property owner(s) and notary signature and seal are required.

4. SERVICE AVAILABILITY.

The existing single customer property shall not be connected for service until the appropriate extension costs along with any associated connection charges have been paid to the Town, or arrangements have been completed for payment of such charges in a manner set forth herein.

B. OTHER REQUIREMENTS FOR WATER/WASTEWATER CONSTRUCTION.

1. SERVICE CONNECTIONS ACROSS STREETS.

Service connections to property adjacent to a street containing water and/or wastewater facilities will not be allowed in the following cases unless it is determined by the Town to be in the best interest of the Town:

(a) DIVIDED STREETS WITH A MEDIAN.

A service connection shall not be made to a water/wastewater facility located in the parkway on the opposite side from the property requesting service. In addition, a service connection shall not be made to a water/wastewater facility located under the street pavement on the opposite side of the median from the property requesting service.

(b) STREET CUTS.

In no case shall a street be excavated for a water or wastewater service for more than 40 feet.

(c) EXTENSIONS.

In those cases where service connections are prohibited, the property owner shall install water/wastewater main extensions to a point behind the nearest curb line to the property to be served, where a service connection can be installed. In the case of a divided street or wide street, a developer owning property on both sides of the street shall be responsible for 100% of the cost of the required main along each side of the street.

2. METER LOCATION.

Water meters shall be located at the front of the property to be served in the street right-of-way behind the curb, except when the Town determines that it is in the best interest of the Town to do otherwise.

3. COMMERCIAL/INDUSTRIAL/APARTMENT DEVELOPMENT.

In the case of a single platted tract being developed as a commercial, industrial, or apartment complex, water and/or wastewater service will be provided as follows:

(a) WATER.

Water service will be provided to the property boundary nearest lot line of the property in the usual manner with Town participation in the cost of extending such service as provided elsewhere in this policy. The property owner may petition the Town to extend water facilities within the single platted tract. When it is in the best interest of the Town, such extensions may be made for the purpose of providing fire protection, provided that such extensions are

made within easements dedicated to the Town for such purpose. The developer shall be responsible for 100% of the cost for extending such service, including the cost of any required easements.

(b) WASTEWATER.

Wastewater service will be provided to the property boundary nearest lot line of the property in the usual manner, with the Town participating in the cost of extending such service as provided elsewhere in this policy. The owner of the single property shall be responsible for 100% of the cost for the connection to the wastewater main and for any easements that may be required.

4. SUBSTANDARD WATER MAINS.

(a) SERVICE CONNECTIONS.

Where water service can be provided by an existing substandard water main, connection will be permitted in accordance with Town policies and procedures provided that the Town approves the connection. The property owner requesting service shall be responsible for the appropriate fees and charges required by the Town Code.

(b) RECONNECTION OF EXISTING WATER SERVICES.

All existing water service connections to a substandard water main replaced by an improved or new main will be reconnected without charge.

C. OWNERSHIP AND MAINTENANCE.

1. TITLE TO ALL WATER AND WASTEWATER MAINS.

Title to all water and wastewater mains constructed under this policy that have been completed and accepted by the Town, except title to wastewater service connections, shall be vested in the Town.

2. TITLE TO ALL WATER AND WASTEWATER SERVICE CONNECTIONS.

(a) WATER SERVICE CONNECTIONS.

(i) Domestic/Irrigation Service Connection.

Upon completion and acceptance by the Town, title to all water service connections for domestic/irrigation service from the water main to the meter, to include the meter and meter box or vault, shall be vested in the Town.

(ii) Fire Line Connection.

Upon completion and acceptance by the Town, title to all fire line connections from the water main to the gate valve on the Town side of the double detector check shall be vested in the Town. Installation of the double detector check shall be in accordance with the Town's Backflow Prevention Policy. If the gate valve is located in the street, title to the fire line connection will be from the water main to the curblin adjacent to the property served.

(b) WASTEWATER SERVICE CONNECTIONS.

Upon completion and acceptance by the Town, title to all wastewater service connections constructed under this policy by the developer or the Town shall be vested in the developer or single customer property owner, and the Town shall have no responsibility for the maintenance or operation of such service connections. The developer or single customer property owner shall be responsible for the operation and maintenance of the service connection to the wastewater main, even if said main is under existing paving in Town right-of-way.

D. VARIANCES.

1. REQUEST FOR VARIANCE.

All requests for variances must be in writing and submitted to the Town and shall include all pertinent information on the facilities involved or to be involved. The request shall state specifically the portion of the policy for which a variance is sought and the grounds for which the variance is requested.

2. CRITERIA FOR GRANTING OF VARIANCE.

- (a) In order to grant a variance, the Town shall determine that the failure to grant the variance will result in the exceptional hardship on the developer/single customer property owner. The burden of proof shall be on the developer/single property owner to show such hardship.
- (b) The developer/single property customer owner shall provide evidence that the granting of the variance will have no detrimental effect upon water and/or wastewater facilities for which the variance is requested.

3. ADDITIONAL REQUIREMENTS FOR APPROVAL OF VARIANCE.

In the event the Town determines the variance should be granted, the Town may also require:

- (a) The execution of an indemnity agreement by the developer/single customer property owner. The form of the indemnity agreement shall be determined by the Town, and at a minimum, shall be recordable so as to run with the property;
- (b) A written agreement that the Town will not be responsible for any damages arising out of the granting of the variance. The form of the agreement shall be determined by the Town, and at a minimum, shall be recordable so as to run with the property; and
- (c) Such other documents; in the discretion of the Town, deemed to be required.