

ORDINANCE NO. 25-78

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, REGULATING THE INSTALLATION OF WATER AND SEWER MAIN EXTENSIONS; PROVIDING FOR PRO RATA CHARGES; PROVIDING FOR REFUNDS; PROVIDING FOR A METHOD OF ENFORCING PAYMENT OF PRO RATA CHARGES; PROVIDING THE EFFECTIVE DATE OF THE ORDINANCE; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, under the laws of the State of Texas, every owner of any tract, lot, or plot of land situated within the corporate limits of the Town of Flower Mound, Texas, or within its jurisdiction, who may request extension of water and sewer mains; and

WHEREAS, the Town constructs or extends water and sewer mains, shall be required to pay pro rata charges for such extensions or participate in the costs of such improvements; and

WHEREAS, the Town Council of the Town of Flower Mound, Texas, is empowered by law to promulgate and establish pro rata charges and participation policies within the Town or within its jurisdiction;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS:

Section 1. Definitions.

All words used in this Ordinance shall carry their customary meanings except where specifically defined as follows:

Consumer: The actual user of water from a city water main or of a sanitary sewer connection.

Town: "Town", as used in this Ordinance, shall mean the Town of Flower Mound.

Frontage: Frontage shall be determined by the side of the lot on which the legal address is located.

Capacity: Capacity shall refer to the quantity of water that can be distributed through certain size water mains.

Off-Site Improvements: Water and/or sewer mains, totally outside of a tract of land to be subdivided and developed for resale.

On-Site Improvements: Water and/or sewer mains, totally within or adjacent to a tract of land to be subdivided and developed for resale.

Property Owners: The record title holder of premises served with or to be served with water or sewer service from a connection by the Town.

Pro Rata: A charge made against the consumer or property owner to pay for the cost of installation, extension or any related construction of water and sewer service as provided for in this Ordinance.

Section 2. Pro Rata Charges.

On and after the passage of this Ordinance, there shall be a service charge due on all property to which water and/or sewer lines are extended and construction completed and accepted by the Town of Flower Mound. This charge shall be called the "Pro Rata" charge for water and/or sewer construction. The pro rata charge shall represent a complete cost or portion of the costs of providing water and sewer to serve the property on which the pro rata charge is paid.

The Town may extend water and sanitary sewer mains in the streets and alleys, or easements, within the Town Limits of the Town in order to permit connections by those desiring water and sanitary sewer services. A charge, known as "Pro Rata", shall be made against each lot or tract of land, and the owner thereof, whose water or sewer line shall be hereafter connected with any water mains or sewer mains in the Town, shall pay a Pro Rata charge based on a Schedule of Rates prepared by the Town Administrator and approved by Resolution of the Town Council of the Town of Flower Mound. Such a Schedule of Rates shall be a part of this Ordinance for all purposes when approved by Resolution.

In addition to the pro rata charge on water and sewer mains, the property owner must pay the connection charges as established by the Town.

Section 3. Extension of Water and Sewer Lines to Individual Property Owners (as distinguished from Subdivision).

A. Upon request of a property owner of a given lot or tract of land, accompanied by the payment of the charges due under this Ordinance, the Town may extend all necessary sanitary sewer and water mains, including valves, hydrants, and appurtenances, the distance across the frontage necessary to provide the service for which application has been made. The owners of all intervening property served by any main described herein shall be required to pay the charges provided for herein at such time as their property is connected to the mains thus laid. The applicant shall pay the pro rata charges on all property owned by him and which is served by the requested extension.

B. Upon approval of the Town, the property owner requesting extension of water and sewer mains to his property may extend the mains himself or have same to be done by a competent and reputable contractor. In this case, detailed construction plans for the improvements shall be drawn and approved by the Town prior to any construction, and the construction shall be inspected and approved prior to final acceptance by the Town. The sizes of the above mains shall be determined by the Town. The total costs of extending the mains to and across the owner's property shall be borne solely by the owner, with the following exceptions:

1. Upon approval and acceptance of the system by the Town, on any mains larger than 12-inch, the Town may elect to participate in the cost by refunding to the owner the difference between the cost of the oversized main and the 12-inch main.
2. The Town will also refund to the original depositor pro rata charges received from applicants who desire to connect to the mains, with the total refund not to exceed the amount of the original depositor's cost of off-site improvements.

3. The maximum period of time for the pro rata reimbursement to the original depositor for the off-site mains shall not exceed ten (10) years.

Section 4. Water and Sewer Connection Charges.

Each property owner, or subdivider, shall furnish materials and shall install all water service lines and sanitary sewer laterals from the mains to the structures at his own expense to meet the standard details and specifications and the approval of the Town, except that the Town will furnish the meters, necessary fittings and meter boxes for the water service lines and will complete the meter installations and connections. For the connections to the mains and for furnishing and installing water meters, the Town shall charge rates that are in accordance with existing ordinance specifying connection fees.

Section 5. Extension of Water and Sewer Lines to Subdivisions and Within Subdivisions.

A. Extension to Subdivisions.

Where extensions of water and sewer mains are required to serve property which has been subdivided or platted for development and resale, the costs of approach mains fronting on property not owned by the developer but required and necessary to connect property to be developed shall be borne solely by the developer. The sizes of all aforementioned mains shall be determined by the Town. Refunds for main extensions will be as follows.

1. Upon approval and acceptance of the system by the Town, on any mains larger than 12-inch, the Town may elect to participate in the cost by refunding to the owner the difference between the cost of the oversized main and the 12-inch main.
2. The Town will also refund to the subdivider pro rata charges received from applicants who desire to tie into the line, with the total refund not to exceed the amount of the subdivider's cost of the off-site improvements.
3. The maximum period of time for the pro rata reimbursement to the subdivider for the off-site mains shall not exceed ten (10) years.

B. Oversized Mains Within Subdivisions.

Developers of subdivisions shall bear the entire costs of water and sewer systems within their subdivisions, except that on any mains larger than 12-inch, the Town may elect to participate in the cost and refund the difference between the cost of the oversized main and the 12-inch main. Adequate size of such water and sewer mains shall be determined by the Town, and its decision will be final.

Section 6. No Funds Available.

In no event will the Town be required to make extensions or participate in the cost of improvements under the provisions of this Ordinance if there are no funds available or if, at the discretion of the Town, the extension or improvements may not be practical.

Section 7. Method of Enforcing Payment.

Nothing herein shall be deemed in any way to be an exclusive method of enforcing the payment of the pro rata or improvement costs against the consumers, subdivider, and property owners, and this procedure shall not be deemed in any manner to be a waiver of the Town's right to validly assess the property owners, subdividers, and/or consumers concerned for cost of the installation of water and sewer mains and to fix and enforce liens against said property, all of which may be done as provided by ordinance in the manner prescribed by law.

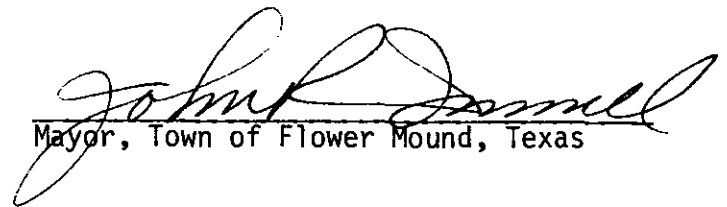
Section 8. Severability Clause.

The terms and provisions of this Ordinance shall be deemed to be severable, in that if any section, phrase, word or part thereof shall be deemed to be invalid, the same shall not effect the validity of the remaining portions of this Ordinance.

Section 9. Effective Date.

This Ordinance shall become effective immediately upon its passage.

PASSED AND ADOPTED on this 14th day of August, 1978.



Mayor, Town of Flower Mound, Texas

ATTEST:



Town Secretary, Town of Flower Mound, Texas

Approved as to form:

Town Attorney