

ORDINANCE NO. 2011-05

AN ORDINANCE AMENDING CHAPTER 13 "UTILITIES" OF THE BRIDGEPORT CODE OF ORDINANCES TO ADD A NEW ARTICLE 13.1300 "WATER AND SEWER MAIN EXTENSION POLICY"; REPEALING SUBSECTION (G) OF SECTION 13.102 "EXTENSION OF WATER, WASTEWATER, AND ELECTRIC SERVICE"; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Bridgeport, Texas, is a Type A general-law municipality located in Wise 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 City of Bridgeport maintains and operates water and sanitary sewer systems permitted by the Texas Commission on Environmental Quality to provide utility services within its certificated service areas; and

**WHEREAS**, the City Council of the City of Bridgeport deems it necessary and in the best interest of the public to adopt this ordinance to repeal Section 13.102(g) "Extension of Water, Sewer, and Electric Service" of the Bridgeport Code of Ordinances, and to adopt a new Article 13.1300 establishing the City's Water and Sewer Main Extension Policy.

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

**SECTION 1**

That Subsection 13.102(g) of the Bridgeport Code of Ordinances be and is hereby repealed.

**SECTION 2**

That Chapter 13 "Utilities" of the Bridgeport Code of Ordinances is hereby amended to add a new Article 13.1300 "Water and Sewer Main Extension Policy" to read as follows:

**"ARTICLE 13.1300 WATER AND SEWER MAIN EXTENSION POLICY"**

**Sec. 13.1301. Applicability and implementation.**

- (a) The Owner/Developer will extend water and sewer mains to all new development within the City's water or sewer service area as assigned by

the Texas Commission on Environmental Quality (TCEQ). All utility mains shall be installed to meet all requirements and standards established in the Texas Administrative Code and the City's Engineering Design Manual.

- (b) The provisions of this article apply to new development and new construction only and are not intended to apply to water or sewer connection of existing development or construction, or move-ins or move-outs.
- (c) The provisions of this article do not apply to developments for which a developer agreement with contrary provisions has been approved.
- (d) Effective immediately, the Owner/Developer is responsible for 100% of the costs associated with construction of water and sewer mains and offsite easements.

**Sec. 13.1302. Main extensions.**

- (a) The Owner/Developer will provide all labor, materials, and equipment required to construct the water or sewer main to provide service to a new development. This shall also include any right-of-way clearing and right-of-way acquisition required for construction, and any engineering costs. The Owner/Developer or builder is responsible for installing all facilities on the customer's side of the meter.
- (b) The Owner/Developer of any building larger than 50,000 square feet or a platted residential subdivision with 25 lots or more shall be required to enter into a Developer Agreement with the City. For multi-phased residential subdivisions, the application of this requirement will be based on the total number of lots contained in all of the phases of the subdivision, as shown on the approved preliminary plat.
- (c) The City shall be responsible for compensating the Owner/Developer the difference in cost between the water or sewer main size mandated by the City which is over and above the size required to serve the development, as referenced in Section 13.911 "Oversizing" of the City's Code of Ordinances.

**Sec. 13.1303. Easements.**

The Owner/Developer shall provide to the City at no cost all required onsite and offsite easements to install the water or sewer facilities within the development. Easements shall be recorded by plat or instrument at the Wise County Court House by the Owner/Developer at the Owner/Developer's expense.

**Sec. 13.1304. Water and sewer line relocation and tap installation.**

- (a) The Owner/Developer shall reimburse the City 100% of the cost for any water or sewer line relocation or installation of a new tap. This cost shall include labor, materials, equipment, and engineering fees. The City will provide an estimated cost of construction for the project to the Owner/Developer. The Owner/Developer shall provide payment for the reimbursement based on this cost estimate. The City will not order material or schedule construction until payment has been received. If the estimated cost exceeds the actual cost, the difference between the actual and estimated costs will be refunded to the Owner/Developer. If the actual cost exceeds the estimated cost, the difference will be billed to the Owner/Developer.
- (b) The Owner/Developer shall be required to provide to the City at no cost all onsite and offsite easements required for the line relocation or service upgrade.

**Sec. 13.1305. Location of utility meters.**

Meters shall be installed as prescribed by the City and will be readily accessible for reading, testing, and inspection and where such activities will cause minimum interference and inconvenience to the Customer. These meters shall be provided at a location which is easily accessible to duly authorized employees of the City bearing proper credentials and identification. Such employees are authorized to enter any public or private property at any reasonable time for reading, testing, and inspecting all meter installations. If locked gates, vicious animals or other impediments prevent the employees from gaining access to the meter installation, the City shall estimate the water or sewer usage for a maximum of two (2) months. After two (2) months, service shall be disconnected at the meter until the problem is resolved.

**Sec. 13.1306. Effective date.**

The effective date of this policy shall be March 1, 2011."

**SECTION 3**

This ordinance shall be cumulative of all provisions of ordinances of the City of Bridgeport, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

**SECTION 4**

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

**SECTION 5**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense involving fire safety, zoning or public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6**

The City Secretary of the City of Bridgeport is hereby directed to publish the caption, penalty clause, and the effective date of this ordinance, in one issue of the official City newspaper as required by Section 52.011 of the Local Government Code.

**SECTION 7**

This ordinance shall be in full force and effect on March 1, 2011, after its publication as required by law, and it is so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRIDGEPORT, TEXAS, BY A VOTE OF 4 TO 0, ON THIS 18 DAY OF March, 2011.**

**APPROVED:**



**Keith McComis, Mayor**

**ATTEST:**

  
**Jessica McEachern, City Secretary**