

ORDINANCE NO. 2020-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES SECTION 98-44 (ENTITLED “WATER UTILITY IMPROVEMENTS”) AND SECTION 98-45 (ENTITLED “WASTEWATER UTILITY IMPROVEMENTS”) ; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City is a provider of water and wastewater service to its citizens;
and

WHEREAS, pursuant to its police powers, the City regulates the subdivision and development of land and the construction of utility infrastructure required to support the development of land; and

WHEREAS, City Council’s objective in adopting regulations related water and wastewater utilities is to advance the safe, orderly development of land and expansion of the water and wastewater utility networks; and

WHEREAS, City Council’s purpose for these amendments is to assure the fee setting objectives are met and to clarify how other subsections of Sections 110-136 and 110-137 of the Code are to be applied.

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

Section one. Code Amendment. The Code of Ordinances of the City of Burnet, Chapter 98 (entitled “Subdivisions”) Section 98-44 (entitled “Water utility improvements”) and Section 98-45 (entitled “Wastewater utility improvements”) are hereby amended by replacing the existing language in its entirety with the language that follows:

Section 98-44 Water and Wastewater Utilities

- (a) **Purpose.** The purpose of this section is to ensure the adequate provision of water and wastewater service to customers within the city and to protect the health, safety, and welfare of the community through standardization and quality of water and wastewater utilities design and construction. Additionally, in order to insulate taxpayers and ratepayers from subsidizing infrastructure costs associated with new development, City Council adopts a policy requiring the costs of municipal infrastructure improvements be apportioned so that infrastructure improvement costs charged to the new development are roughly proportionate to the proposed development’s impact on the municipal infrastructure.
- (b) **General.**

- (1) Texas Commission on Environmental Quality (TCEQ). The Rules and Regulations of TCEQ, as published and adopted in the Texas Administrative Code shall be the minimum standards for the design, installation, and regulation of water and wastewater facilities within the jurisdiction of the City of Burnet. Variance from TCEQ rules shall not be authorized by this section.
- (2) Inspection, Certificate of Occupancy and Appeal:
 - (A) Inspections. An inspector designated by the public works director will conduct as many inspections as necessary of the water or wastewater systems, but at least two inspections shall be conducted. One inspection will occur after completion of the installation of underground facilities but prior to backfilling of any soil. Another inspection will occur upon completion of the entire system but prior to its operation. The applicant or registered installer will notify the City that an inspection is desired at least one (1) business days prior to the need for inspection. The applicant or registered installer will provide whatever reasonable assistance the City requests in order to make the inspection and will be present at the time of inspection.
 - (B) Approve or Disapprove. The city engineer will have the authority to approve or disapprove the design and construction of the systems. If the city engineer determines that there are design, material, construction, or installation practices that are not in compliance with the requirements of this code, then the city will have the right to cause all development related work to cease and desist until the city determines that the work can be or has been brought into compliance with applicable city regulations.
 - (C) Variances. Unless expressly prohibited, the city engineer may authorize variances to the requirements of this section 98-44 if the city engineer finds the following:
 - (i) strict application of the regulation would cause undue hardship;
 - (ii) the undue hardship was not caused by the developer;
 - (iii) the developer proposes an alternative solution that has a substantially similar effect as would compliance with the regulation; and
 - (iv) authorizing the variance would not compromise the public health and safety.
- (3) Additional requirements.
 - (A) Impact fees. Impact fees shall be assessed and collected in accordance with City Code Chapter 2 Article IX, as authorized by the laws of this state including Texas Local Government Chapter 395.
 - (B) Phasing. Construction of development shall be phased in a manner that assures adequate water and wastewater services is maintained.
 - (C) Extension. The extensions of utilities (including any necessary on-site and off-site improvements) to existing utility services must be sufficient to serve the needs of the proposed development.

- (D) Easements. Developer shall acquire all necessary offsite easements.
 - (E) Fiscal Security. Developer shall provide fiscal security, in such form as approved by the city attorney, assuring construction of improvements shall be completed.
 - (F) Authorization. Developer shall obtain all necessary approvals from water and wastewater services purveyors and shall comply with all purveyor rules, regulations and requirements.
 - (G) Alternative water and wastewater supply. When applicable, Developer shall provide plans and specifications for alternative water supply and wastewater disposal systems for city approval.
 - (H) Fire Flow. Developer shall cause the water system to be designed and constructed to provide adequate fire flow as determined by the city's fire chief.
- (c) **Connection to the City's Systems.**
- (1) Water. All new development shall be connected to an approved public water supply or distribution main. The costs for connection to the city's system shall be borne by the developer.
 - (A) Alternative water supply system. Should the distance to the city's water system's connection point be more than one-half mile from the development, the developer may appeal to city council and request to be allowed to construct an alternative water supply system. City Council may approve the alternative water supply system if Council finds that due to the distance between the development and the city's water system it is unreasonable to require the connection. All alternative water supply systems, to the maximum extent practicable, shall be designed and sited in a manner that enables, connection to the city's water system, when connection becomes available.
 - (2) Wastewater. All new development shall be connected to an approved public wastewater collection main. All wastewater systems shall function by gravity flow unless a variance is authorized as provided in this Section. The costs for connection to the city's system shall be borne by the developer.
 - (A) Alternative wastewater system. Should the distance to the city's wastewater system's connection point be more than one-half mile from the development the developer may appeal to city council and request to be allowed to construct an alternative wastewater system. City council may approve the alternative wastewater supply system if council finds that due to the distance between the development and the city's wastewater system it is unreasonable to require the connection. All developments that are designed to be served by On-Site Sewage Facilities ("OSSFs") shall be designed to allow, to the maximum extent practicable, the future extension of gravity sewer lines along the property lines and the connection of individual wastewater lines from such developments to the city sewer by gravity flow, when same becomes available.

(d) **Oversizing.**

- (1) Generally. Developers must pay for all mains and other facilities needed to serve a proposed development. The city may require the installation of oversized water mains and wastewater mains and related facilities pursuant to the terms of this subsection.
- (2) Notice. The city shall give developer written notice of its intent to consider its oversizing option as soon as practical after a developer submittal of a preliminary plat for any section of a development.
- (3) Oversizing cost estimate. Within thirty (30) days of receipt of the city's notice the developer shall provide the city a written cost estimate for the oversizing that complies with Table 98-44(a).
- (4) Exercise option. After receipt of the cost estimate City Council shall determine whether oversizing shall be required.
- (5) City's costs obligation. Unless otherwise authorized by City Council the city's cost obligation for oversizing utilities shall be limited to the incremental costs for oversizing the main or other facility.

Table 98-44(a). City's oversizing costs obligation example.

Costs for 8-inch water line designed for project	Costs for city requested 10-inch oversize water line	City's oversizing costs obligation
\$50.00 per linear foot	\$55.00 per linear foot	\$5.00 per linear foot.

- (6) Dispute resolution. In the event a dispute arises between the city and developer regarding any aspect of the oversizing option the city manager shall work with the developer to find an amicable solution, which may include the selection of an engineer unconnected with either the city or the developer to serve as a non-binding mediator.

(e) **General Design Standards.**

- (1) Licensed Professional Engineer. All installations must be designed by a Licensed Professional Engineer, registered to practice in the State of Texas, in accordance with this Code and the City of Burnet Construction Manual. The Engineer will provide a letter certifying that the completed construction of the water or wastewater system meets the minimum regulations of the state, county and city. Whenever the standards and specifications of the city, county, or the state conflict, the more restrictive requirements will govern.
- (2) System Improvements. All water distribution, and wastewater collection, system improvements shall be designed and sized to meet the minimum design standards of TCEQ, the design standards set forth in the Burnet Water and Wastewater Capital Improvement Plan, and the City of Burnet Construction Manual.

(f) **Public Water System Design Standards.**

In addition to the aforementioned General Design Standards, water distribution systems shall be designed to the standards that follow:

- (1) General Specifications. Piping for water mains and connections will be constructed of such materials as required by the City of Burnet Construction Manual.
- (2) Minimum Diameter. Water mains smaller than eight inches inside diameter will not be permitted. Water mains larger than eight inches inside diameter may be required in situations where the City Engineer determines such larger mains are required to produce desired flows and pressures. Fire hydrants may only be installed on an 8-inch or larger diameter water line.
- (3) Maximum Length. In all areas, water mains will be no longer than that length which would by fluid friction render the main incapable of producing the desired flows and pressures required for the type of area to be served.
- (4) Valve Locations. There shall be three (3) valves located at each tee in the main (one for each direction of the tee) and there shall be four (4) valves located at each cross in the main (one for each direction of the cross) or as directed by the City Engineer .
- (5) Service Lines. Service lines of two inches or less shall be polyethylene tubing with brass fittings. The materials for service lines larger than two inches shall be determined on a case by case basis by the Director of Public Works and the City Engineer.
- (6) Fire Hydrants. All extensions or additions to the City water distribution system within the subdivision must meet the requirements set forth in the current ISO Rating as promulgated by the Texas State Board of Insurance (TBI) for the installation of fire hydrants. Fire hydrants will be colored standard red and comply with the requirements of the by the City of Burnet Construction Manual. All fire hydrants will have left opening threads.
 - (A) Type. Standard three-way hydrants will be installed and will have a six-inch or larger connection ductile iron pipe to mains with a minimum five-inch valve opening.
 - (B) Location. All fire hydrants will have a three foot clear horizontal radius of 360 degrees around the fire hydrant, clear of vegetation and landscaping. All fire hydrants will be located on street corners, before the end of any cul-de-sacs or side property lines so as to be readily accessible at all times. All fire hydrants will be equipped with at least a six (6) inch valve located on the hydrant lead and the valve and hydrant will be mechanically anchored to the main.
 - (C) Maximum Spacing. Hydrants will be properly located along streets so there will be a fire hydrant every three hundred (300) feet in the commercial / mixed-use areas and every six hundred (600) feet in residential areas, so that every building will be within five hundred (500) feet of a standard fire hydrant. Hydrants must be equipped with the National Standard hose threads.
- (7) Sufficient Size. Water systems will be of sufficient size to furnish adequate domestic water supply, to furnish fire protection and water

services to all lots, and to conform to the Water and Wastewater Utility Plan component of the City of Burnet Master Plan and specific plans for provision of expanded capacity. No water main line extensions will be less than eight (8) inches in diameter.

- (8) Connectivity and Fire Flow and Pressure. All water lines will be connected to other distribution system water lines at both ends. Where the City Engineer determines it is not practical to connect a water line to the system at both ends, the dead-end water lines will be the minimum size that will provide fire flow and pressure as required herein. The dead end line will have a flush hydrant at the end of the line.
- (9) Fire Hydrants. Fire Flows. Fire flows are required to conform to International Standards Organization (ISO) standards. The City Manager (or designee) is responsible for maintaining and updating the listing of required fire flows for distribution whenever ISO standards change, and for providing this listing of required fire flows for distribution to Applicants / Developers. All fire flows will be calculated at such residual pressure as required by Texas Administrative Code Section 290.44(d). Fire flow calculations and/or model run printouts will be included with submittals for the City Engineer's review.
- (10) State Fire Insurance Commission. The design and layout of the water distribution system will be acceptable to the State Fire Insurance Commission

(g) **Public Wastewater System Design Standards.**

In addition to the aforementioned General Design Standards, wastewater collection systems shall be designed to the standards that follow:

- (1) Capacity. All wastewater systems will be sized to accommodate the maximum peak flow plus infiltration flows, which will render the pipe flowing no greater than three-fourths full. Minimum slope will be according to current TCEQ rules and regulations and wastewater design standards.
- (2) Locations. Wastewater mains will be located in the street right-of-way except where required otherwise to transport the wastewater to the treatment facility or a pump station. Separation distances will comply with TCEQ design standards found in Texas Administrative Code Title 30 Environmental Quality, Chapters 217, Design Criteria for Domestic Wastewater Systems, and 290, Public Drinking Water.
- (3) Materials. Wastewater lines will be constructed of such materials as required by the City of Burnet Construction Manual.
- (4) Minimum Diameter of Mains and Services. All wastewater mains will be a minimum of eight (8) inches inside diameter. Service lines serving individual lots will be no smaller than six (6) inches inside diameter.
- (5) Manholes. Manholes will be installed in compliance with Texas Administrative Code Section 217.55.
- (6) Lift Stations and Force Mains. All wastewater systems shall function by gravity flow unless a variance is authorized in the manner provided in this Section. If authorized by variance lift stations and force mains shall

be constructed in accordance with Texas Administrative Code Chapter 217 (entitled “Design Criteria for Domestic Wastewater Systems”) Subchapter C: Conventional Collection Systems §§217.51 – 217.71, as amended, unless otherwise specified in this Chapter.

Section 98-45 Reserved.

Section two. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section three. Penalty. A violation of this ordinance is unlawful and subject to penalty as prescribed in City Code of Ordinances Sec. 1-6 (entitled “*general penalty*”).

Section four. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event section five shall apply.

Section five. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section six. Severability. Pursuant to Code of Ordinances of the City of Burnet, Section 1-7, if any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the city council in adopting, and of the mayor in approving this Ordinance, that no portion of this Ordinance, or provision or regulation contained in this Ordinance, shall become inoperative or fall by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

Section seven. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code; as suspended, or otherwise modified, by executive orders of the governor of this state in response to the COVID-19 pandemic.

Section eight. Publication. The publishers of the City Code of Ordinances are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

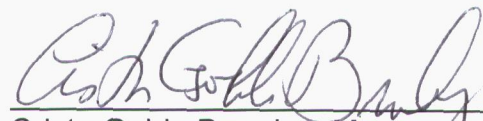
Section nine. Notice. The City Secretary is hereby directed to publish notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas.

Section ten. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.


Passed on first reading on the 14th day of July, 2020

Passed and Adopted on the 28th day of July, 2020

CITY OF BURNET


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

