

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 35 “WATER AND SEWERS” OF THE CODE OF THE CITY OF FORT WORTH (2015), AS AMENDED, FURTHER AMENDING ARTICLE III “CHARGES”, SECTION 35-57, “DEFINITIONS”, SECTION 35-57.4, “WATER TAP CONNECTIONS”, SECTION 35-57.5 “SEWER TAP CONNECTIONS”; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; REPEALING ALL ORDINANCES AND PROVISIONS OF THE FORT WORTH CITY CODE IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH:

SECTION 1.

That Section 35-57, “Definitions”, Article III “Charges”, of Chapter 35 of the Code of the City of Fort Worth (1986), as amended, is hereby further amended to add the following definitions:

COMMUNITY FACILITIES AGREEMENT (CFA). A contract between a developer and the city for the construction of community facilities, on a property in which the city has or will have an ownership or other legal interest, that the city requires to be constructed as a condition of plat or plan approval, or the issuance of a building permit.

LONG TAP. A service tap crossing beyond the centerline of the street to the opposite side of the street to the property to be served.

MISCELLANEOUS CONTRACTS. An agreement with the City’s Water Department engineering staff which allows for the City to provide engineering design services and construction of water or wastewater infrastructure.

SHORT TAP. A service tap located on the same side of the street as the water main that does not cross the centerline of the street.

TAP REMOVAL. The removal and/or abandonment of a water tap service line and meter and/or sewer tap by the city.

SECTION 2.

That Section 35-57.4(a), “Water Tap Connections”, Article III “Charges”, of Chapter 35 of the Code of the City of Fort Worth (1986), as amended, is hereby amended in its entirety as follow:

§ 35-57.4 WATER TAP CONNECTIONS.

- (a) City Installed Tap: In the case where the city installs a 2-inch or smaller water tap, a charge shall be made for each tap made to a water main. The charges shall be payable by the property owner prior to the tap being made and shall be as follows:

Water Tap Fees						
Pavement	1-inch		1.5-inch		2-inch	
	Short	Long	Short	Long	Short	Long
Unpaved	\$1,800	\$2,500	\$2,000	\$2,700	\$2,200	\$2,900
Asphalt*	\$2,000	\$2,700	\$2,250	\$2,950	\$2,500	\$3,200
Concrete	\$3,800	\$6,500	\$4,000	\$6,700	\$4,200	\$6,900

*See also section (b) below for additional asphalt pavement repair fees.

- (b) City Installed Tap within Asphalt Pavement: Any tap connection performed within an asphalt street constructed more than two (2) years prior to the proposed tap connection will be assessed an additional charge associated with the age and pavement condition index (PCI) as adopted by the City Council.
- (c) Taps within New Pavement: Proposed tap connections within concrete or asphalt pavement less than two (2) years of age will not be performed by the city and will be required to be made under a Community Facilities Agreement (CFA) between the customer and the city.
- (d) Other Taps: Any tap connection larger than two inches, or involving unusual circumstances, shall be made through the Community Facilities Agreement process between the customer and the city or through the city’s Miscellaneous Contracts.
 - (1) Community Facilities Agreement: The customer shall comply with the requirements of the CFA process and pavement repair in accordance with the city’s Utility Construction Policy.
 - (2) Miscellaneous Contract: At the discretion of the city, tap installations may be eligible to be performed through the city’s Miscellaneous Contracts. Any installations requiring excavation in a newly paved street (within 2 years of age) are not eligible for the Miscellaneous Contract process. Construction within the City’s Downtown Central

Business District are not eligible for the Miscellaneous Contract process unless granted prior approval from the Water Department Director. The Miscellaneous Contract may be used for the following types of infrastructure:

- (i) Fire line taps;
 - (ii) Water service lines two (2)-inches, or smaller, and
 - (iii) Water service taps greater than two (2)-inches. Three (3)-inches and greater will require a meter vault in accordance with standard details.
- (e) New Developments: Developers shall pay the full cost of all water service taps constructed by contract in new developments through a CFA.
- (f) Pavement Removal: In the case that installation of a water tap connection requires the removal of pavement, the city and/or pre-qualified contractor will abide by the city's Utility Construction Policy for all pavement cuts or excavations within the city right-of-way and easements. All construction must be in accordance with city standard construction specifications. All pre-planned utility construction within city right-of-way, including drainage or other applicable easements, requires a Street Use Permit for Utility Construction ("Permit") prior to construction.
- (g) Other Fees: The tap charges shall be in addition to the applicable fees provided for in the city plumbing code and in any other city codes, including, but not limited to, impact fees.
- (h) Violations: Any service connection made in violation of the City Code may be removed at the property owner's expense.
- (i) Ownership and Maintenance:
 - (1) The water tap and service line installation shall be constructed at the expense of the property owner/customer. The City shall then be the owner of the tap and service line.
 - (2) The city shall maintain water service connections from the main to the meter.
- (j) Tap Removal: The permanent removal or abandonment of a water service line or meter may be performed under a Community Facilities Agreement (CFA), Miscellaneous Projects or the City and comply with city's Utility Construction Policy.
 - (1) The city shall not perform a removal of a tap within concrete or asphalt pavement less than two (2) years of age and will be required to be made under a Community Facilities Agreement.

- (2) If the tap removal request is through the City, a removal fee as shown below shall be due and payable to the City prior to the tap being removed. Any tap connection removed within an asphalt street constructed more than two (2) years prior to the proposed tap connection will be assessed an additional charge associated with the age and pavement condition index (PCI) as adopted by the City Council in accordance with the city’s Utility Construction Policy.

Water Tap Removal Fees	
Pavement	Fee
Unpaved	\$1,400
Asphalt*	\$1,400*
Concrete	\$2,800

* Additional asphalt pavement repair fees will apply.

SECTION 3.

That Section 35-57.5, “Sewer Tap Connections”, Article III “Charges”, of Chapter 35 of the Code of the City of Fort Worth (2015), as amended, is hereby further in its entirety as follow:

§ 35-57.5 SEWER TAP CONNECTIONS.

- (a) City Installed Tap: The city may install sewer taps eight (8)-inches, or smaller, with a depth not exceeding eight (8) feet of cover. The property owner and or customer shall pay a charge as detailed below for any sanitary sewer tap installed by the City prior to the tap being made.

Sewer Tap Fees						
Pavement	4"		6"*		8"*	
	Short	Long	Short	Long	Short	Long
Unpaved	\$2,000	\$2,750	\$2,500	\$3,250	\$3,000	\$3,750
Asphalt**	\$3,000	\$3,750	\$5,000	\$6,000	\$7,500	\$8,500
Concrete	\$5,500	\$8,000	\$6,000	\$8,500	\$9,000	\$11,500

*See also Section (b) for additional costs associated with manholes.

** See also section (c) below for addition asphalt pavement repair fees.

- (b) Manhole Requirement: All sewer taps greater than 4-inch require connection to an existing or installed manhole and shall be contracted and paid for by the customer.

If a connection to an existing manhole cannot be made, an additional charge of \$4,200 shall be payable by the property owner for the new manhole installation.

- (c) City Installed Tap within Asphalt Pavement: Any tap connection performed within an asphalt street constructed more than two (2) years prior to the proposed tap connection will be assessed an additional charge associated with the age and pavement condition index (PCI) as adopted by the City Council in accordance with the city's Utility Construction Policy.
- (d) Taps within New Pavement: Proposed tap connections within concrete or asphalt pavement less than two (2) years of age will not be performed by the city and will be required to be made under a CFA between the customer and the city.
- (e) Other Taps: Any sanitary sewer tap involving unusual conditions, connections to the city's deep sewer system, connections to mains exceeding eight (8) feet of depth, or taps larger than eight (8) inches shall be made through the Community Facilities Agreement process between the customer and city or through the city's Miscellaneous Contracts.
 - (1) Community Facilities Agreement: The customer shall comply with the requirements of the CFA process and pavement repair in accordance with the city's Utility Construction Policy.
 - (2) Miscellaneous Contract: At the discretion of the city, tap installations may be eligible to be performed through the city's Miscellaneous Contracts. Any installations requiring excavation in a newly paved street (within 2 years of age) are not eligible for the Miscellaneous Contract process. Construction within the City's Downtown Central Business District are not eligible for the Miscellaneous Contract process unless granted prior approval from the Water Department Director. The Miscellaneous Contract may be used for any size of sewer tap where the depth of cover does not exceed 12 feet.
- (f) New Developments: Developers shall pay the full cost of all sewer service taps constructed by contract in new developments through a CFA.
- (g) Pavement Removal: In the case that installation of a sewer tap connection requires the removal of pavement, the city and/or pre-qualified contractor will abide to the city's Utility Construction Policy for all pavement cuts or excavations within the City of Fort Worth rights of way (ROW) and easements. All construction must be in accordance with city standard construction specifications. All pre-planned utility construction within city right-of-way, including drainage or other applicable easements, requires a Street Use Permit for Utility Construction ("Permit") prior to construction.

- (h) Other Fees: The tap charges shall be in addition to the applicable fees provided for in the city plumbing code and in any other city codes, including, but not limited to, impact fees.
- (i) Grade Verification: Prior to any construction of a building sewer lateral, the property owner shall verify in writing that the sewer lateral is capable of being installed to such a grade that will permit a sanitary sewer tap to be made by the city and that will meet all applicable city codes. Verification will be made by a drawing depicting the grade of the sanitary sewer lateral and the elevation of the sanitary sewer tap. In the absence of such verification, that portion of any building sewer to be constructed by the plumber or the person securing the permit shall not be constructed prior to the completion of the sanitary sewer tap by the water department forces.
- (j) Violations: Any service connection made in violation of the City Code shall be removed at the property owner's expense.
- (k) Ownership and Maintenance:
 - (1) The sanitary sewer tap shall be constructed at the expense of the owner/customer. The City shall then own and maintain the sewer tap upon completion and acceptance.
 - (2) The city shall maintain wastewater service connections from the main to the property line.
- (l) Tap Removal: When a property owner requests permanent removal or abandonment of a sanitary sewer service line, then the tap removal shall be made through the Community Facilities Agreement process between the customer and city or through the city's Miscellaneous Contracts. The City shall not perform any sewer tap removal.
 - (1) Community Facilities Agreement: The customer shall comply with the requirements of the CFA process and pavement repair in accordance with the city's Utility Construction Policy.
 - (2) Miscellaneous Contract: At the discretion of the city, tap removal may be eligible to be performed through the city's Miscellaneous Contracts. Any installations requiring excavation in a newly paved street (within 2 years of age) are not eligible for the Miscellaneous Contract process. Construction within the City's Downtown Central Business District are not eligible for the Miscellaneous Contract process unless granted prior approval from the Water Department Director. The Miscellaneous Contract may be used for any sewer tap removal where the depth of cover does not exceed 12 feet.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases 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 6.

This ordinance shall take effect on April 1, 2020.

APPROVED AS TO FORM AND LEGALITY:

Christa R. Lopez-Reynolds
Sr. Assistant City Attorney

ADOPTED:_____