

ORDINANCE NO. 2008-9

AN ORDINANCE OF THE CITY OF BEASLEY, TEXAS, AMENDING ORDINANCE #9, SECTION 2 AND ORDINANCE #23, SECTION 3; AND ESTABLISHING A WATER AND SEWER CONNECTION FEE; PROHIBITING THE DRILLING AND REPAIR OF PRIVATE WATER WELLS; ESTABLISHING PENALTIES FOR VIOLATIONS.

WHEREAS, the City Council for the City of Beasley, finds and determines that Ordinances #9 and 23 are out dated and are no longer applicable to the current fee schedule used by the City of Beasley;

WHEREAS, the City Council for the City of Beasley, finds and determines that an ordinance is necessary to establish the current water and sewer connection fee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BEASLEY, TEXAS:

- A. Water and sewer connection fees.**
1. For each water and sewer connection there shall be paid to the City of Beasley the sum of \$500.00 for each.
- B. Water tap and service line construction and maintenance.**
1. The City will tap water main and extend service line across street right-of-way or utility easement to property line and set meter box.
 2. The customer will tie into meter and construct service line to building. The City will maintain water service line from water main to water meter located adjacent to customer property line.
 3. The customer will maintain building service line from the point it ties into water meter to customer's building. Cost will be borne by the applicant.
- C. Sewer line construction and maintenance.**
1. All sanitary sewer taps to the city main line shall be constructed and or inspected by the City through it's duly authorized representative. No customer, private contractor, private plumber or other entity shall be allowed to make connection to the city sewer line, except when such connection is allowed by the City and noted on the city-approved construction plans.

2. The customer is responsible for the cost, construction and maintenance of the building sewer line which runs between the building and the property line, utility easement, city property line, edge of the right-of-way or other point as designated by the Department of Public Works where the maintenance of the sewer line by the city begins.
3. The City is responsible for the maintenance of the city main line and all sewer lines and sewer taps at all points other than the building sewer line.

D. Water main line extension.

1. Any person desiring water service to lots not previously served by the City may obtain service by paying the appropriate tap connection fee plus a front foot fee for the property to be served. The front foot fee is assessed to reimburse the City for the cost of the water main installation. Front foot charges for water main extensions shall be not less than twenty-five (\$25.00) dollars per front foot.
2. No main shall be extended without being approved and accepted by City Council before construction can begin. The user will be required to contract his own licensed plumber for materials and labor to dig the line from his property to city main. City plumber will inspect and make the final connection to the main. User requiring the service shall pay all associated costs.
3. The City shall stipulate locations where necessary peripheral equipment may be required, such as fire hydrants and valves and the cost of these items shall also be borne by the user making the extension. Because of the extremely critical nature of certain items, such as fire hydrants, the City shall have the authority to specify the exact brands and models to be used.
4. The City may require that a main extension be oversized (require larger pipe size than judged necessary to serve the specific user making the extension) to allow for further future development, but the City shall be required to pay the additional cost associated with the over sizing (both materials and labor) when that over-sizing is required by the City.

E. Sewer main line extension.

1. Any person desiring sewer service to lots not previously served by the City may obtain service by paying the appropriate tap connection fee plus a front foot fee for the property to be served. The front foot charges for sewer main extensions shall be not less than thirty (\$30.00) dollars per front foot.
2. No main shall be extended without being approved and accepted by City Council before construction can begin. The user will be required to hire his own licensed plumber for materials and labor to dig the line from his

property to the main line. City plumber will inspect and make the final connection to the main. User requiring the service shall pay all associated costs.

3. The City may require that a main extension be oversized (require larger pipe size than judged necessary to serve the specific user making the extension) to allow for further future development, but the City shall be required to pay the additional cost associated with the over sizing (both materials and labor) when that over sizing is required by the City.
4. The maximum distance allowed between manholes is four hundred (400) feet. All sewer lines must be designed and built with straight horizontal and vertical alignment. No curves will be allowed in either direction. Deflections (horizontal or vertical) will be allowed only at manholes. All extended lines must terminate with a manhole. In very unique circumstances, the City may allow for an extension to terminate with a cleanout, but this shall be done only in those cases where there would be absolutely no advantage to the City to require the manhole, and because of geographic constraints, no further extension of the line or service is physically possible.

F. Inspections.

1. Before beginning any construction of the improvements, complete plans and specifications for such improvements shall have first been completely approved by the City Council.
2. The City through its duly authorized representative shall from time to time inspect the construction of all utility facilities during the course of construction to see that the same shall comply with the city's standards governing the same. Failure of the City to inspect construction shall not in any way impair or diminish the obligation of the contractor to install improvements in accordance with the plans and specifications.

G. Water well prohibited

1. It shall be unlawful for any person to drill or repair any private water well within the city limits.

H. Enforcement and penalty.

1. A violation of any section of this ordinance shall be punished by a fine not to exceed \$2,000.00.
2. Each day of the occurrence of any such violation or failure to perform such act shall constitute a separate offense.

3. The imposition of a fine under this ordinance shall not prevent the revocation or suspension of any permit issued or granted by the City of Beasley, nor shall it be deemed to prevent, impede or delay the rights of the city to proceed in any other court of competent jurisdiction to secure equitable relief, including but not limited to, injunctions or to file suits in the name of the city or as a member of a class for damages or other relief as provided for by law.
4. Any person or corporation who permits, aids, assists or employs another person or corporation in doing any prohibited act or failing to do any act as shall be required in this ordinance shall be deemed in violation of this ordinance, as if such person or corporation had actually committed such act or failed to actually perform such act as herein required.
5. In addition to the penalties herein above provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance shall be deemed a public nuisance and may be abated by the city as provided by law.

I. Supplemental effect.

The provisions of this ordinance are supplemental and they shall be cumulative of all other laws, ordinances, and or permits that must be obtained. In addition, the building is subject to regular inspections pursuant to all applicable laws and ordinances.

J. Severability clause.

If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect with the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.


K. Conflict.

Any ordinances of the City of Beasley, which are in any manner in conflict with or inconsistent with this ordinance, shall be and are hereby repealed to the extent of such conflict or inconsistency.

PASSED AND APPROVED this 20th day of January, 2009.

ATTEST:


G. B. Michulka, City Secretary


Kenneth Reid, Mayor