

**CITY OF BELLMEAD
ORDINANCE NO. 2024-05**

AN ORDINANCE OF THE CITY OF BELLMEAD, TEXAS, IS HEREBY AMENDED; CHAPTER 22 – UTILITIES; ARTICLE I. – IN GENERAL; SEC. 22-10. EXTENSION OF LINES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance 2023-05 was adopted in August 2023 creating policy and procedures for utilities; and,

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

SECTION 1. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

SECTION 2. Chapter 22 of the Code of Ordinances of the City of Bellmead, Texas, is amended, to read as follows:

Sec. 22-10. Extension of lines.

- (a) New water or sewer lines that need to be constructed shall be built at the customer's expense.
- (b) Any water or sewer line extended shall be sufficiently sized to provide adequate service to the customer, but in no case shall be less than six (6) inches inside diameter. Line extension installation shall be in compliance with all city engineering design and construction requirements. If it should be the decision of the city to oversize a water or sewer line, it shall be the responsibility of the city to pay the difference between the size necessary and the size required.

SECTION 3. That all provisions of the ordinance of the City of Bellmead in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Bellmead not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. That should any sentence, paragraph, subdivision, clause phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. That an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

PASSED AND APPROVED ON FIRST READING April 9, 2024.

PASSED AND APPROVED ON SECOND READING May 14, 2024.

PASSED AND APPROVED ON THIRD AND FINAL READING May 14, 2024.

DULY PASSED by the City Council of the City of Bellmead, Texas on this 14 day of May 2024

APPROVED:



MAYOR

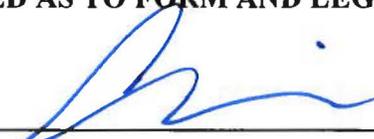
ATTEST:





Holly Owens, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:



CITY ATTORNEY



CITY COUNCIL MEMORANDUM FOR ORDINANCE

Prepared By: Fred Morris

Approval: Yousry Zakhary

Amendment of Chapter 22 – Utilities; Article I. – In General; Sec. 22-10. Extension of Lines

DESCRIPTION:

Consider an ordinance amending Chapter 22 – Utilities; Article I. – In General; Sec. 22-10. Extension of Lines; Repealing All Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Severability; Providing for Inclusion in the Code; and Providing an Effective Date.

BACKGROUND:

The present language of the code states that all water and sewer lines that need to be constructed to serve new development will be constructed by the City of Bellmead but then paid for at the customer's expense. This language implies that the city will play a role in the design and construction of infrastructure and has been a point of contention recently.

State law requires cities to utilize processes that are time consuming and expensive when selecting design professionals, construction contractors and other vendors that must be selected through a public process. This is not cost or time effective.

This amendment will bring city development process in line with standard practice. Developers will be responsible for the design and construction of infrastructure. Upon completion and acceptance of construction, the new components are dedicated to the city for perpetual maintenance.

If there are situations where the City may choose to participate in development projects, these situations would be addressed in a specific development agreement.

The first reading was held on April 9, 2024. The reading passed with a vote of 6-0-0.

FISCAL IMPACT / FUNDING SOURCE:

None

STAFF RECOMMENDATION:

Staff recommends adoption of the amendment as presented.

ATTACHMENT(S):

Chapter 22 – Utilities; Article I. – In General; Sec. 22-10. Extension of Lines, as amended (**Red Line**)