

**ORDINANCE NO. 23708-06-2019**

**AN ORDINANCE AMENDING CHAPTER 35, "WATER AND SEWERS" OF THE CODE OF THE CITY OF FORT WORTH, AS AMENDED, BY AMENDING ARTICLE III, DIVISION 1, "GENERALLY", SECTION 35-58 "ASSESSMENT FRONT FOOTAGE CHARGES FOR SERVICE CONNECTION"; DIVISION 3, "SEWER PER ACRE CHARGES" TO AMEND SECTION 35-82 "DEFINITIONS", SECTION 35-84 "CALCULATION OF THE PER ACRE CHARGE", SECTION 35-85 "ASSESSMENT AND PAYMENT OF THE PER ACRE CHARGE; REFUND TO A DEVELOPER; ADMINISTRATION"; DIVISION 4, "WATER MAIN CAPACITY CHARGES", TO AMEND SECTION 35-88 "DEFINITIONS", SECTION 35-91 "ASSUMPTIONS TO BE USED TO CALCULATE MAXIMUM DAY DEMAND", SECTION 35-92 "CALCULATION OF WATER MAIN CAPACITY CHARGE", AND SECTION 35-93 "ASSESSMENT AND PAYMENT OF THE WATER MAIN CAPACITY CHARGE; REFUND TO A DEVELOPER AND CITY, ADMINISTRATION"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 35, Article III, Division 1 of the City Code establishes the Front Foot Charge; and

**WHEREAS**, the purpose of the Front Foot Charge is to allow developers and the City to recoup costs related to the construction of the water and sewer extensions; and

**WHEREAS**, Chapter 35, Article III, Division 3 of the City Code establishes the Sewer Per Acre Charge;

**WHEREAS**, the purpose of the Sewer Per Acre Charge is to allow developers and the city to recoup costs related to the construction of the sewer main extensions; and

**WHEREAS**, Chapter 35, Article III, Division 4 of the City Code establishes the Water Main Capacity Charge; and

**WHEREAS**, the purpose of the Water Main Capacity Charge is to allow developers and the City to recoup a portion of the costs related to the construction of the water mains; and

**WHEREAS**, the City is responsible for providing calculated basin area on wastewater mains that have City cost participation for over-sizing developer-initiated approach wastewater mains; and

**WHEREAS**, it is now necessary to adopted updated assumptions to be used to calculate maximum day demand, updated the average daily demand calculations table and estimated

population density to be consistent with the new Water Department Installation Policy and Design Criteria Manual (M&C G-19537) adopted on May 7, 2019; and

**WHEREAS**, it is now necessary to adopt updated calculation of water main capacity charge for maximum design capacity requirements, updated calculation to be based on the change in MGD capacity due to city cost participation to oversize water main and for developers to recoup a portion of their costs along the frontage main that they installed; and

**WHEREAS**, the City wish to provide for a 20 year refund period for developers on all cost recovery types; and

**WHEREAS**, the definitions in this ordinance now provide for consistency for all three recovery types; and

**WHEREAS**, an annual cost adjustments for applicable charges for inflation is added at two percent (2%); and

**WHEREAS**, this ordinance shall not provide for the administration for all three cost recovery types to be consistent.

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

**SECTION 1.**

Part II of the Code of the City of Fort Worth, Texas, as amended, Chapter 35, "Water and Sewers", Article I "Charges", Division 3, "Generally", Section 35-58 "Assessment Front Footage Charges For Service Connection" is hereby amended in its entirety to be as follows:

**§ 35-58 Assessment Front Footage Charges For Service Connection.**

(a) *Generally.* In addition to other connection charges provided in this chapter, a front footage charge shall be paid for all service connections made to all water and sanitary sewer mains in the following cases:

- (1) Service connections or extensions made to serve adjacent property from an approach facility constructed by a developer, single-customer property owner or the city;
- (2) Service connections or extensions made to serve adjacent property from an approach facility that has been replaced at developer, single-customer property owner cost or the city; and
- (3) Service connections or extensions made to serve adjacent property from an approach facility installed by multiple single-customer property owners or the city.

(4) Service connections or extensions made to serve adjacent property from a frontage main connecting from an approach main constructed or replaced by a developer, single-customer property owner, multiple single-customer property owners or the city.

(b) *Definitions.* The following terms shall be defined as follows when used in this section.

**APPROACH MAIN.** A portion of the sanitary sewer or water main from the point of connection to the existing main to the nearest property corner of the developing property.

**CITY PARTICIPATION.** The portion of the construction cost that the city reimburses a developer under the policy for the installation of community facilities.

**COMMERCIAL ESTABLISHMENT.** Any establishment other than a one- or two-unit residence.

**DEVELOPER.** Any type of new customer other than “single-customer property owner.”

**DEVELOPMENT COST.**

(1) The cost incurred by the city related to either a city-initiated sanitary wastewater or water main or the city participation costs in a developer-initiated wastewater or water main, which costs are based upon the costs contained in the contracts awarded for the construction of the water main, regardless of the final cost;

(2) The cost incurred by a developer related to the construction of a developer-initiated wastewater or water main based solely on the cost of the contracts awarded for the construction of such wastewater or water main, without regard to the final cost; or

(3) both (1) and (2).

**DEVELOPER’S DEVELOPMENT COST PERCENTAGE.** The development cost incurred by the developer divided by the development cost, expressed as a percentage.

**FRONT FOOTAGE.** The number of linear feet in that portion of a property boundary abutting a street, alley or easement containing a sanitary sewer or water main for which front footage charges are collected for connection.

**FRONTAGE MAIN.** The portion of the sanitary sewer or water main located within the frontage of the developing property.

**FRONTAGE MAIN ELIGIBILITY.** Frontage main eligibility may only occur when the property’s frontage main is shared with another property on the opposing side of the street right-of-way to the Developer’s property is owned by a separate landowner not affiliated with the Developer.

**SINGLE-CUSTOMER PROPERTY OWNER.** An existing occupied residential establishment or an existing commercial establishment.

(c) *Sewers crossing through property served.* In the case of an easement containing a sanitary sewer for which footage charges are collected for connection, which sewer crosses through the property served, the boundary on which the front footage charge is to be based shall be the length of the sewer within the limits of such property measured along the centerline of such sewer.

(d) *Determination of front footage.* Front footage to be used in application of front footage charges shall be determined as follows:

(1) The front footage charge shall apply directly to property platted into lots or tracts of land;

(2) Front footage charge shall be determined by using the longest boundary length abutting a street, alley or easement containing a wastewater or water facility serving the property or computed as one-six of the perimeter of such property, whichever is greater. The payment of front footage charges by the customer shall be the greater amount as calculated above.

(3) The front footage charge shall be calculated as prescribed by the method in the policy for installation of community facilities for water and sewer;

(4) The director shall be authorized to collect the front foot charge in the amounts established by city council pursuant to this section and the policy for installation of community facilities, whichever is greater; and

(5) The applicable front footage charges required hereunder for water or sanitary sewer service connections shall be paid before the filing of a final plat, or before a plumbing permit can be issued; and

(6) The front footage charge for frontage main eligibility shall be one-half the prescribed calculated method in the policy of installation of community facilities for water and sewer for service connections or extensions made to serve adjacent property.

(e) *Determination of the front foot charge for the appropriate pipe size.* Front footage amounts to be used to determine the front footage charge calculated in subsection (d) above:

(1) The appropriate pipe size is determined based on the approved water and sewer studies of the subsequent developments that will benefit from the connection to the existing approach main or by the water department director's, or his or her designee's, approval.

(2) The proposed front foot charges are as follows:

<b>Size of Connecting Pipe</b>	<b>Water FFC</b>
8-inch or Smaller	\$38.40
10-inch	\$48.16
12-inch	\$51.28
16-inch	\$67.13



Size of Connecting Pipe	Sewer FFC
8-inch or Smaller	\$48.20
10-inch	\$50.15
12-inch	\$58.36
15-inch	\$66.57
18-inch	\$74.78
21-inch	\$83.00
24-inch	\$103.00

(f) *Administration of Front Foot Charge.* The administration of front foot charges is as follows:

(1) The water department shall be responsible for the collection, refund and maintenance of front foot charges collected.

(2) The payment of the front foot charge assessed hereunder shall be paid prior to the filing of final plat, or before a plumbing permit can be issued.

(3) A two percent (2%) annual cost adjustment shall be incorporated into the prescribed front footage charge. Annual cost adjustment increase shall be assessed on January 1<sup>st</sup> of the following year for the established front footage charge. Annual cost adjustment shall be accrued until below listed conditions are met regarding developer or city initiated wastewater or water main projects.

(4) Approach main reimbursement may be equal to, but not greater than, 100% of the cost for the water or wastewater approach main incurred by Developer.

(5) Frontage main reimbursement may be equal to, but not greater than 50% of the cost for the frontage main incurred by the Developer.

(6) Front foot charges will be assessed for a period of 20 years, commencing on the date that the City accepts the water or wastewater main.

(7) Collections and reimbursements of front foot charges will cease when the Developer has been fully reimbursed or the time period for assessment of front foot charges has lapsed, whichever occurs first.

(8) Reimbursement shall be made solely from front foot charges collected by the City during the period that front foot charges are assessed for the water or wastewater service line connections and point of connections to the water or wastewater main extension.

(9) Any assignment of front foot charges must be approved by the Water Department Director prior to the execution of the assignment.

(10) Existing community facilities agreements with mains, or other facilities, eligible for

front foot charge collections will continue under the policy that was in effect at the time the agreement was executed.

(11) The reimbursement limit, together with the project number, date construction was completed, permanent record number of main, limits of portion of the main upon which front foot charges are collectible, and name of the entity entitled to the refund shall be documented by the City.

(12) Upon written request by the Developer during the Month of November, reimbursements will be made annually during the last 2 months of the calendar year from which front foot charges were paid to the City.

(13) It is the responsibility of the developer/landowner requesting the refund to prove their eligibility to receive the reimbursement due.

(14) In the event the developer/single customer property owner fails to request a reimbursement of front foot charges within 6 months after the expiration of the eligibility to receive funds, such un-reimbursed front foot charges shall become the property of the City.

(15) The amount of refund due to the developer each year shall be the assessed front foot charge collected that year multiplied by the Developer's Development Cost Percentage. The remaining portion of the amount collected that year shall be retained by the City as an offset against the development cost incurred by the City.

(16) The City will recover the city development cost for city-initiated approach water and/or sewer main projects or city participation in a developer-initiated approach water and/or sewer main. The City's collection time will cease when city development cost has been fully reimbursed.

## SECTION 2.

Part II of the Code of the City of Fort Worth, Texas, as amended, Chapter 35, "Water and Sewers", Article III "Charges", Division 3, "Sewer Per Acre Charges", Section 35-82 "Definitions" is hereby amended to include the following definitions:

***CITY PARTICIPATION.*** The portion of the construction cost that the city reimburses a developer under the policy for the installation of community facilities. City Participation includes the cost for over-sizing the developer-initiated approach wastewater main.

***FRONTAGE MAIN.*** The portion of the wastewater or water main located within the frontage of the developing property.

***FRONTAGE MAIN ELIGIBILITY (SEWER PER ACRE).*** Frontage main eligibility may only occur when the property's frontage wastewater main is shared with another property on the opposing side the Developer's property that is owned by a separate landowner not affiliated with the Developer.

### SECTION 3.

Part II of the Code of the City of Fort Worth, Texas, as amended, Chapter 35, "Water and Sewers", Article III "Charges", Division 3, "Sewer Per Acre Charges", Section 35-84 "Calculation of the Per Acre Charge" subsection (a) is hereby amended to be as follows:

(a) In order for a per acre charge to be assessed, the city council must adopt an ordinance for that purpose. For approach mains constructed under a developer initiated project, the Per Acre Charge shall be calculated as follows.

(1) Development cost shall be determined consistent with the requirements of § 35-83 above.

(2) The developer is responsible for providing the calculated basin area, together with any necessary exhibits as may be reasonably requested by the city. An engineer licensed to practice in the State of Texas shall prepare the calculated basin area. Sub-basins of 1,000 acres or more shall not be included in the calculation of the sewer basin area.

(3) The development cost is divided by the calculated basin area expressed in acres to determine the per acre charge.

(4) An ordinance will be presented to the City Council to establish the per acre charge.

(5) The City shall be responsible for providing calculated basin area, together with any necessary exhibits on wastewater mains that have city cost participation for over-sizing the developer-initiated approach and/or frontage wastewater main.

(6) Developer maybe eligible to recoup costs associated with installation of a frontage wastewater main under a front foot charge if applicable to language described above in the Frontage Main Eligibility (Sewer Per Acre) definition. (Refer to Chapter 35 Water and Sewers, Article III, Charges, Division 1, Sections 35-58 Assessment of Front Footage Charges for Service Connection, of the City Code for more information.)

### SECTION 4.

Part II of the Code of the City of Fort Worth, Texas, as amended, Chapter 35, "Water and Sewers", Article III "Charges", Division 3, "Sewer Per Acre Charges", Section 35-85 "Assessment and Payment of the Per Acre Charge; Refund to a Developer; Administration" is hereby amended in its entirety to be as follows:

#### **Section 35-85 Assessment and Payment of the Per Acre Charge; Refund to a Developer; Administration.**

(a) The water department shall be responsible for the collection, refund and maintenance of per acre charges collected.

(b) Except as provided by subsection (c) below, a per acre charge shall be

assessed each acre within the calculated sewer basin area served by a sewer approach main or by a sewer main constructed under a city initiated project, without exclusion or reduction.

(c) Park property that is dedicated by final plat or by other instrument prior to the filing of the final plat shall not be assessed.

(d) The payment of the per acre charge assessed hereunder shall be paid at the time the final plat for the proposed development is ready to be filed, but the plat shall not be filed until the per acre charge has been paid.

(e) A two percent (2%) annual cost adjustment shall be incorporated into the prescribed front footage charge. Annual cost adjustment increase shall be assessed on January 1<sup>st</sup> of the following year for the established front footage charge. Annual cost adjustment shall be accrued until below listed conditions are met regarding developer or city initiated wastewater main projects.

(f) A per acre charge will be assessed for a period of 20 years, commencing on the date that the City accepts the wastewater main.

(g) Collections and reimbursements of a per acre charge will cease when the Developer has been fully reimbursed or the time period for assessment of the per acre charge has lapsed, whichever occurs first.

(h) Reimbursement shall be made solely from the per acre charge collected by the City during the period that the per acre charge is assessed for the wastewater service line connections and point of connections to the approach wastewater main.

(i) Any assignment of the per acre charge must be approved by the Water Department Director prior to the execution of the assignment.

(j) Existing community facilities agreements with wastewater mains, or other facilities, eligible for per acre charge collections will continue under the policy that was in effect at the time the agreement was executed.

(k) The reimbursement limit, together with the project number, date construction was completed, permanent record number of the wastewater main, limits of portion of the wastewater main upon which a per acre charge is collectible, and name of the entity entitled to the refund shall be documented by the City.

(l) Upon written request by the Developer during the Month of November, reimbursements will be made annually during the last 2 months of the calendar year from which per acre charges were paid to the City.

(m) It is the responsibility of the developer/landowner requesting the refund to prove their eligibility to receive the reimbursement due.

(n) In the event the developer/single customer property owner fails to request a reimbursement on a per acre charge within 6 months after the expiration of the eligibility to receive funds, such un-reimbursed charges shall become the property of the City.

(o) The amount of refund due to the developer each year shall be the assessed per acre capacity charge collected that year multiplied by the “developer’s development cost percentage.” The remaining portion of the amount collected that year shall be retained by the city as an offset against the development cost incurred by the city.

(p) The City will recover the city development cost for city-initiated approach wastewater main projects or city participation in a developer-initiated approach wastewater main. The City’s collection time will cease when city development cost has been fully reimbursed.

## SECTION 5.

Part II of the Code of the City of Fort Worth, Texas, as amended, Chapter 35, "Water and Sewers", Article III “Charges”, Division 4, “Water Main Capacity Charges”, Section 35-88, “Definitions” is hereby amended to include the following definitions:

***FRONTAGE MAIN.*** The portion of the sanitary sewer or water main located within the frontage of the developing property.

***FRONTAGE MAIN ELIGIBILITY.*** Frontage main eligibility may only occur when the property’s frontage main is shared with another property on the opposing side of the street right-of-way to the Developer’s property that is owned by a separate landowner not affiliated with the Developer.

## SECTION 6.

Part II of the Code of the City of Fort Worth, Texas, as amended, Chapter 35, "Water and Sewers", Article III “Charges”, Division 4, “Water Main Capacity Charges”, Section 35-91, “Assumptions to be Used to Calculate Maximum Day Demand” is hereby amended as follows:

	<b>Density</b>	<b>Average Daily Demand</b>	<b>Maximum Day Peak Factor</b>
Single-family (attached or detached)	3.5 people/unit or 14 people/acre	200 gpcd	2.25
Multifamily	2.5 people/unit or 52 people/acre	180 gpcd	2.25
Commercial	1 person per 400 SF or 14 people/acre	50 gpcd	2.25
Schools	60-75 students per acre	Elementary-30 gpcd	2.25
		Middle - 35 gpcd	
		High school - 40 gpcd	

If the domestic annual average demand of the commercial, industrial or other development is unknown during platting, the single-family density of 14 people per acre and an average daily demand of 200 gallons per capita per day (GPCD) with a maximum day peak factor of two and twenty-five hundredths shall be used.

## SECTION 7.

Part II of the Code of the City of Fort Worth, Texas, as amended, Chapter 35, "Water and Sewers", Article III "Charges", Division 4, "Water Main Capacity Charges", Section 35-92, "Calculation of the Water Main Capacity Charge" is hereby amended as follows:

### **Section 35-92 Calculation of the Water Main Capacity Charge.**

For approach water mains constructed under a developer-initiated or city-initiated approach water main project, the water main capacity charge shall be calculated as follows.

- (a) Development cost shall be determined consistent with the definitions contained in § 35-88.
- (b) For a developer-initiated approach water main, the developer is responsible for providing all information, studies and exhibits that may be reasonably requested by the city. For a city-initiated approach water main, the city's consultant engineer shall provide any necessary exhibits as requested by the city.



- (c) For a developer-initiated approach water main that the City has cost participated to over-size the approach water main, the City shall be responsible for providing calculated basin area, together with any necessary exhibits on water mains that have city cost participation for over-sizing the developer-initiated approach water main.
- (d) For a developer-initiated frontage water main that the City has cost participated to oversize, the Water Main Capacity Charge calculation shall be based on the delta MGD capacity of over-sizing the developer-initiated approach water main.
- (e) Developer maybe eligible to recoup costs associated with installation of a frontage water main under a front foot charge if applicable to language described above in the Frontage Main Eligibility definition. Refer to Chapter 35 Water and Sewers, Article III, Charges, Division 1, Sections 35-58 Assessment of Front Footage Charges for Service Connection, of the City Code for more information.
- (f) The water main capacity charge is calculated by dividing the development cost by the water pipe's net capacity. The water pipe's net capacity is determined in accordance with the most current version if the city's Policy and Procedure for Processing Water and Wastewater Projects for Design and Construction, using a coefficient of roughness of 120. The maximum pipe capacity will be based on a pipe friction loss of seven feet per 1,000 feet length of pipe or water velocity of seven feet per second, whichever is more conservative. The net pipe capacity is equal to the maximum pipe capacity subtract the minimum residential fire flow. Currently the minimum residential fire flow per Fort Worth fire department is 1.44 MGD, which may change with future adoption of the International Fire Code. See a table below for net capacity based on pipe size.

<b>Maximum Design Capacity for Water Mains (12 in. to 54 in.)</b>				
<b>Water Main Size (I.D.)</b>	<b>Pipe Velocity (ft./sec.)</b>	<b>Pipe Friction Loss (ft./1,000 ft.)</b>	<b>Maximum Capacity (MGD)</b>	<b>Net Capacity (MGD)</b>
12 in.	3.55	7.00	2.3	0.86
16 in.	5.43	7.00	4.9	4.86
24 in.	7.00	7.00	14.2	12.76
30 in.	7.00	5.37	22.2	20.76
36 in.	7.00	4.33	32.0	30.56
42 in.	7.00	3.64	43.5	42.06
48 in.	7.00	3.14	56.8	55.36
54 in.	7.00	2.72	72.0	70.46

## SECTION 8.

Part II of the Code of the City of Fort Worth, Texas, as amended, Chapter 35, "Water and Sewers", Article III "Charges", Division 4, "Water Main Capacity Charges", Section 35-93, "Assessment and Payment of the Water Main Capacity Charge; Refund to a Developer and City, Administration" is hereby amended as follows:

- (a) The water department shall be responsible for the collection, refund and maintenance of the water main capacity charge collected.
- (b) A water main capacity charge shall be assessed each plat that meets the definition of "other development." A boundary area shall be determined for the purpose of assessment review. The boundary shall be used as a guideline, not as a definitive boundary for service area due to the possibility of varying lots sizes that may be proposed. If a plat meets the definition of "other development," then the plat will be assessed the per MDG charge even though the plat may be located adjacent to, within and/or outside the boundary area.
- (c) To determine a boundary area, the assumption of one MGD serving 137 acres will be used. This assumption is based upon one acre containing four and three tenths units of houses. To calculate the boundary area, multiply the pipe capacity in MGD under § 35-92(c) by 137 acres. To convert the area to square footage, multiple the area by 43,560. Then, divide the total area in square footage by the total length of pipe extended in feet to determine the width of the boundary area in feet. To determine the distance on each side of the pipe, divide the width by two. Pressure plane boundaries, adjacent city limits, extra territorial jurisdictions, and CCN boundaries may be utilized to refine the proposed WMCC boundary area.
- (d) The payment of the water main capacity charge assessed hereunder shall be paid prior to the filing of final plat.
- (e) A two percent (2%) annual cost adjustment shall be incorporated into the prescribed front footage charge. Annual cost adjustment increase shall be assessed on January 1<sup>st</sup> of the following year for the established front footage charge. Annual cost adjustment shall be accrued until below listed conditions are met regarding developer or city initiated water main projects.
- (f) A water main capacity charge will be assessed for a period of 20 years, commencing on the date that the City accepts the water main.
- (g) Collections and reimbursements of a water main capacity charge will cease when the Developer has been fully reimbursed or the time period for assessment of the water main capacity charge has lapsed, whichever occurs first.
- (h) Reimbursement shall be made solely from the water main capacity charge collected

by the City during the period that the water main capacity charge is assessed for the water service line connections and point of connections to the approach water main.

- (i) Any assignment of the water main capacity charge must be approved by the Water Department Director prior to the execution of the assignment.
- (j) Existing community facilities agreements with mains, or other facilities, eligible for water main capacity charge collections will continue under the policy that was in effect at the time the agreement was executed.
- (k) The reimbursement limit, together with the project number, date construction was completed, permanent record number of the water main, limits of portion of the water main upon which a water main capacity charge is collectible, and name of the entity entitled to the refund shall be documented by the City.
- (l) Upon written request by the Developer during the Month of November, reimbursements will be made annually during the last 2 months of the calendar year from which water main capacity charges were paid to the City.
- (m) It is the responsibility of the developer/landowner requesting the refund to prove their eligibility to receive the reimbursement due.
- (n) In the event the developer/single customer property owner fails to request a reimbursement on a water main capacity charge within 6 months after the expiration of the eligibility to receive funds, such un-reimbursed charges shall become the property of the City.
- (o) The amount of refund due to the developer each year shall be the assessed water main capacity charge collected that year multiplied by the “developer’s development cost percentage.” The remaining portion of the amount collected that year shall be retained by the city as an offset against the development cost incurred by the city.
- (p) The city will recover the city development cost for city-initiated approach water main projects or city participation in a developer-initiated approach water main. The city’s collection time will cease when city development cost has been fully reimbursed.

## **SECTION 9.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas, 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.

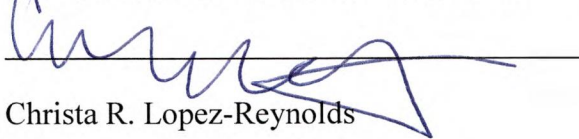
**SECTION 10.**

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 11.**

This ordinance shall be effective upon adoption.

APPROVED AS TO FORM AND LEGALITY:



Christa R. Lopez-Reynolds

Sr. Assistant City Attorney



Mary J. Kayser

City Secretary

ADOPTED: June 25, 2019



**City of Fort Worth, Texas**  
**Mayor and Council Communication**

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**COUNCIL ACTION: Approved on 6/25/2019 - Ordinance No. 23708-06-2019**

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**DATE:** Tuesday, June 25, 2019

**REFERENCE NO.:** \*\*G-19573

**LOG NAME:** 60WATER AND SEWER COST RECOVERY CHARGES 2019 AMENDMENTS

**SUBJECT:**

Adopt an Ordinance Amending Chapter 35 Water and Sewers, Article III, Charges, of the City Code, to amend Division 1, Section 35-58 "Assessment of Front Footage Charges for Service Connection"; Division 3, Sewer Per Acre Charges, Section 35-82 "Definitions" and Section 35-84 "Calculation of the Per Acre Charge, Section 35-85 "Assessment and Payment of the Per Acre Charge; Refund to a Developer; Administration"; and Division 4, Water Main Capacity Charges, Section 35-88 "Definitions", Section 35-91 "Assumptions to be Used to Calculate Maximum Day Demand", Section 35-92 "Calculation of the Water Main Capacity Charge", and Section 35-93 "Assessment and Payment of the Water Main Capacity Charge; Refund to a Developer and City; Administration" (ALL COUNCIL DISTRICTS)

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**RECOMMENDATION:**

It is recommended that the City Council adopted the attached ordinance amending Chapter 35 Water and Sewers, Article III, Charges, of the City Code, to amend Division 1, Section 35-58 "Assessment of Front Footage Charges for Service Connection"; Division 3, Sewer Per Acre Charges, Section 35-82 "Definitions" and Section 35-84 "Calculation of the Per Acre Charge, Section 35-85 "Assessment and Payment of the Per Acre Charge; Refund to a Developer; Administration"; and Division 4, Water Main Capacity Charges, Section 35-88 "Definitions", Section 35-91 "Assumptions to be Used to Calculate Maximum Day Demand", Section 35-92 "Calculation of the Water Main Capacity Charge", and Section 35-93 "Assessment and Payment of the Water Main Capacity Charge; Refund to a Developer and City; Administration".

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**DISCUSSION:**

On May 7, 2019, the City Council approved M&C (G-19537) to adopt the new Installation Policy and Design Criteria for Water, Wastewater and Reclaimed Water Infrastructure. As part of this work, it was recognized that updates to the City Code regarding the existing cost recovery charges consisting of the Front Footage, Sewer Per Acre, and Water Main Capacity charges were required to reflect updates in the new Installation Policy and Design Criteria manual.

These changes are needed to support the revised Water Department policy adopted May 7, 2019. The changes to these charges were presented to DAC last year to receive feedback. The Water Department received consensus from DAC members at that presentation.

The following updates are shared across the three cost recovery types:

1. Previous refund period to developers consisting of 10 years with a possible 10 year extension, by request, is changed to a fixed 20 year collection period.
2. Definitions are updated for consistency across all three cost recovery types.
3. Annual cost adjustments for applicable charges for inflation is added at two percent (2%). The Consumer Price Index for all items less food and energy, from July 2014 to April 2019, from the United States Department of Labor, Bureau of Labor Statistics, was used to create the cost

adjustment rate.

- 4. Administration language was revised to be consistent across the three cost recovery types.

The following updates are cost recovery type specific:

- 1. Front Footage Charge
  - a. Add language to charge up to, but not greater than, 50% for a frontage main on a developer-initiated sanitary sewer or water line.
- 2. Sewer Per Acre Charge
  - a. Add language stating City shall be responsible for providing calculated basin area on sewer mains that have City cost participation for over-sizing developer-initiated approach sewer mains.
- 3. Water Main Capacity Charge
  - a. Update Section 35-91, Assumptions to be Used to Calculate Maximum Day Demand, to update the average daily demand calculations table and estimated population density from the new Installation Policy and Design Criteria Manual.
  - b. Update Section 35-92, Calculation of the Water Main Capacity Charge, to a) update the maximum design capacity requirements; b) have exhibits and calculations prepared by City staff rather than the developer on projects in which the City cost participates; c) update the calculation to be based on the change in MGD capacity due to oversizing the approach water main; and d) for developers to recoup a portion of their costs along the frontage main that they installed.
  - c. Update Section 35-93, Assessment and Payment of the Water Main Capacity Charge; Refund to a Developer and City; Administration, to update administrative language to match the new Installation Policy and Design Criteria Manual.

A Form 1295 is not required for this contract because: This M&C does not request approval of a contract with a business entity.

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that approval of the above recommendations will have no material effect on City funds.

**FUND IDENTIFIERS (FIDs):**

**TO**

Fund	Department ID	Account	Project ID	Program	Activity	Budget Year	Reference # (Chartfield 2)	Amount

**FROM**

Fund	Department ID	Account	Project ID	Program	Activity	Budget Year	Reference # (Chartfield 2)	Amount

**CERTIFICATIONS:**



**Originating Department Head:**

Jay Chapa (5804)

Chris Harder (5020)

Wendy Chi-Babulal (8242)

**Additional Information Contact:**

Wade Goodman (7139)

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