



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

<b>File #:</b>	20-0271	<b>Name:</b>	Utility Ordinance Revisions
<b>Type:</b>	Ordinance	<b>Status:</b>	Approved
		<b>In control:</b>	City Council Regular Meeting
<b>On agenda:</b>	4/7/2020	<b>Final action:</b>	4/7/2020
<b>Title:</b>	Consider/Discuss/Act on an Ordinance Amending Chapter 110, Entitled "Utilities" of the Code of Ordinances of the City of McKinney Texas through the Amendment of Section 110-1, "Definitions," by Adding Definitions Thereto for the Phrases "Extraterritorial Jurisdiction" or "ETJ," "Plumbing Code," "Qualified Licensed Inspector," "Retail Utility Service," and "Service," and through the Amendment of Existing Article II Entitled "Water and Sewer Connections," by Amending Sections 110-21 through 110-23 and 110-32, and Adding New Sections 110-47 through 110-51 as Set Forth Herein below, Repealing All Conflicting Ordinances; Reserving All Existing Rights and Remedies; Providing for Immunity; Providing for Injunctions; Providing a penalty; Providing for the Publication of the Caption of this Ordinance; and Providing for an Effective Date		

### Indexes:

**Attachments:** 1. Ordinance, 2. Ordinance (Redline)

Date	Ver.	Action By	Action	Result
4/7/2020	1	City Council Regular Meeting	Approved	Pass

Consider/Discuss/Act on an Ordinance Amending Chapter 110, Entitled "Utilities" of the Code of Ordinances of the City of McKinney Texas through the Amendment of Section 110-1, "Definitions," by Adding Definitions Thereto for the Phrases "Extraterritorial Jurisdiction" or "ETJ," "Plumbing Code," "Qualified Licensed Inspector," "Retail Utility Service," and "Service," and through the Amendment of Existing Article II Entitled "Water and Sewer Connections," by Amending Sections 110-21 through 110-23 and 110-32, and Adding New Sections 110-47 through 110-51 as Set Forth Herein below, Repealing All Conflicting Ordinances; Reserving All Existing Rights and Remedies; Providing for Immunity; Providing for Injunctions; Providing a penalty; Providing for the Publication of the Caption of this Ordinance; and Providing for an Effective Date

**COUNCIL GOAL:** Operational Excellence  
(2B. Balance available resources to accommodate the growth and maintenance needs of the city)

**MEETING DATE:** April 7, 2020

**DEPARTMENT:** Development Services / Engineering  
Public Works / Water Utilities

**CONTACT:** Michael Hebert, PE, Assistant Director of Engineering  
Craig Sherwood, Water Utilities Superintendent

### RECOMMENDED CITY COUNCIL ACTION:

- Approval of the Ordinance.

## ITEM SUMMARY:

- This ordinance amends McKinney's existing utility ordinance to better address concerns regarding water and sewer service to developments in remote areas of McKinney or the Extraterritorial Jurisdiction (ETJ)
- McKinney's Certificates of Convenience and Necessity (CCN) for water and for sewer extend throughout a majority of the ETJ
- McKinney's CCN is issued by the State of Texas and gives a CCN holder the exclusive right to provide retail water and/or sewer utility services to an identified geographic area
- These proposed ordinance revisions provide more specific requirements that are considered necessary due to the recent revisions in state law regarding development activity - particularly in the ETJ
  - Staff must quote specific references in ordinances when commenting on plats, and these revisions should also help avoid ambiguity in comments related to utility service
- Key items of the revisions are:
  - Applicants must be current with any payments to the city
  - Applicants may only use meters owned by the city and the meter and connection is for the sole use of one customer to only one dwelling or one business
  - Any attempts to share, resell or submeter water is prohibited
  - Applicants with a rainwater harvesting system must have the system designed and maintained by a licensed Water Supply Protection Specialist
  - Applicants in the ETJ must have plumbing installations consistent with McKinney's plumbing requirements and certify that the plumbing meets minimum standards including the federal Safe Drinking Water Act, Chapter 341 of the Texas Health & Safety Code and/or Title 30, Chapter 290 of the Texas Administrative Code
  - Applicants in the ETJ are required to obtain a customer service inspection certificate before the City will provide water service to new construction or continue providing service thereafter any time there is any material improvement, correction or addition to the private water distribution facilities
  - Applicants in the ETJ fully understand they are subject to the city's regulations with respect to cross connections, backflow prevention, protection against potential contaminants and possible disconnection for failing to comply with city ordinances
  - Applicants in the ETJ fully understand they are subject to the city's requirements for certification and city inspections when possible cross-connections or other possible contamination hazards are suspected
  - Better definition of requirements for development agreements
  - Residential areas with at least 100 single-family homes and an average density of one home per half acre are required to provide water for emergency fire suppression over

and above the maximum daily demand for the subdivision

- The proposed changes provide additional guidance to those desiring utility service with an emphasis on maintaining sufficient standards to protect the City's water utility system

**BACKGROUND INFORMATION:**

- Changes in state law limit the city's ability to inspect private water systems that desire to connect to the city's public water system in the ETJ requiring some additional mechanisms to protect the city's public water system from possible cross-connections and potential contamination hazards
- Some inquiries have been made to Development Services that would require a significant quantity of water in areas where lines are currently not sized for that development
- This has mainly been in remote areas where no waterlines or possibly older (former) water supply corporation waterlines exist, and they cannot provide the required fire flow or sometimes the domestic flow needed.

**FINANCIAL SUMMARY:**

- N/A

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A