

**CITY OF BASTROP, TX**  
**ORDINANCE NO. 2025-37**

**AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CODE OF ORDINANCES CHAPTER 13 - UTILITIES, ARTICLE 13.02 WATER AND WASTEWATER RATES AND CHARGES, SECTION 13.02.003 SEWER CONNECTION AND TAPPING FEES, BY ENACTING SECTION 13.02.003 (B), AS ATTACHED IN EXHIBIT A; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, PROPER NOTICE AND MEETING.**

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City Council of the City of Bastrop (City Council) has general authority to adopt an Ordinance or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS,** the City of Bastrop does not currently have a regulation to reserve wastewater capacity; and

**WHEREAS,** the City of Bastrop staff has considered the supply and demand of wastewater capacity needed to accommodate future growth in and around the City of Bastrop; and

**WHEREAS,** the City Council has determined the need for providing a tool that allows developers to secure utilities for residential and commercial demands exist; and

**WHEREAS,** the City Council has determined that adopting wastewater capacity reservation regulations in order to ensure the public health and promote growth and development is in the best interest of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, THAT:**

**Section 1: Findings of Fact:** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**Section 2: Amendment to Article 13.02 Water and Wastewater Rates and Charges, Section 13.02.003 Sewer Connection And Tapping Fee:** The City of Bastrop Code of Ordinances Chapter 13 is hereby amended, and after such amendment, shall read in accordance with Exhibit A which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code, and any struck-through text shall be deleted from the Code, as shown in Exhibit A.

**Section 3: Repealer:** To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated.

**Section 4: Severability:** Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**Section 5: Codification:** The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

**Section 6: Effective Date:** This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the Charter, Code of Ordinances, and the laws of the State of Texas.

**Section 7: Proper Notice & Meeting:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**READ & ACKNOWLEDGED** on First Reading by the City Council of the City of Bastrop, on this, the 25<sup>th</sup> day of March 2025.

**PASSED & APPROVED** on Second Reading by the City Council of the City of Bastrop, on this, the 8<sup>th</sup> day of April 2025.

Signature page to follow

**APPROVED:**

by: \_\_\_\_\_  
John Kirkland, Mayor Pro-Tem

**ATTEST:**

\_\_\_\_\_  
City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**City of Bastrop**

**Code of Ordinances Chapter 13**

**ARTICLE 13.02 Water and Wastewater Rates and Charges**

SEC. 13.02.003 Sewer connection and tapping fees.

(a) Sewer connection or tapping fees shall be as provided for in section A13.02.003 of the fee schedule in appendix A to this Code.

(b) Reservation Fees.

(1) The Director of Water and Wastewater, City Manager, City Manager Designee are authorized and directed to establish and administer a system for determining whether wastewater facilities are available to serve proposed developments, for communicating the results of such determination to the property owner initiating the reservation request and, where necessary facilities are available, for reserving capacity in wastewater facilities to serve the proposed development.

(2) Any potential property owner who is contemplating a specific use of their property within the corporate limits of the city or within an area receiving utility services provided by the city that will require a change in the amount or character of utility service received from the city due to development, redevelopment or a change in occupancy may submit a feasibility request to the Director of Water and Wastewater, City Engineer, or City Engineer Designee on the forms prescribed by the Director of Water and Wastewater, City Engineer, or City Engineer Designee. The feasibility must be accompanied by a \$5,000.00 escrow fee and must contain the information requested by the Director of Water and Wastewater, City Engineer, or City Engineer Designee.

(3) Upon receipt of a completed application and the appropriate fee, the Director of Water and Wastewater, City Engineer, or City Engineer Designee shall determine whether the proposed development meets the requirements for issuance of a wastewater capacity reservation. In order for a proposed development to qualify for issuance of a wastewater capacity reservation the Director of Water and Wastewater, City Engineer, or City Engineer Designee must determine:

- (A) That there is sufficient unused and unreserved capacity in available wastewater facilities to meet the utility service requirements of the proposed development or that such capacity will be available before the proposed development will require it,
  - (B) That the proposed development will comply with applicable state and federal laws and regulations and written city policies which apply to city utility service and city ordinances, and
  - (C) That utility service at the level required by the proposed development would not be in excess of any existing restrictions imposed.
- (4) If, upon completion of the determination, the Director of Water and Wastewater, City Engineer, or City Engineer Designee concludes that the proposed development meets all the requirements for issuance of a wastewater capacity reservation, a wastewater capacity reservation may be issued to the applicant conditioned upon payment of \$50.00 per month per Living Unit Equivalent ("LUE") (as determined by the Director of Water and Wastewater, City Engineer, or City Engineer Designee) ("Reservation Fee") to be paid by the property owner beginning on the first day of the first month following the issuance of the wastewater capacity reservation and, unless otherwise expiring in accordance with the section, terminating for each LUE upon the connection of that LUE to the City's wastewater system. If, upon completion of the determination, the Director of Water and Wastewater, City Engineer, or City Engineer Designee concludes that the proposed development does not meet one or more of the requirements for issuance of a wastewater capacity reservation, then the Director of Water and Wastewater, City Engineer, or City Engineer Designee shall prepare and deliver to the applicant a denial notice which shall describe the results of the determination and specifically detail the reasons for the denial.
- (5) A wastewater capacity reservation issued under the authority of this subsection (b) shall not be transferred to another lot, tract, or subdivision and cannot be used for any proposed development other than that for which it is issued.
- (6) A wastewater capacity reservation shall represent a commitment of the city subject to the regulatory actions of the state and federal governments, the applicable rules and regulations of the city, and the terms and conditions contained in this article and in the wastewater

capacity reservation itself, to reserve capacity in wastewater facilities to serve a proposed development so that utility service will be available upon completion of the buildings or other structures contained in the proposed development. A wastewater capacity reservation which is issued on the basis of an application which contains materially false information shall be void.

- (7) Reservation fees are not refundable.
- (8) If a developer is able to begin construction on the project within the first year of reserving the capacity, a credit of 100% of the reservation fee will be applied to other utility development fees for the project. The credit will only apply to the part/phase of the project under active construction.
- (9) If a developer is able to begin construction on the project within the second year of reserving the capacity, a credit of 50% of the reservation fee will be applied to other utility development fees for the project. The credit will only apply to the part/phase of the project under active construction.
- (10) There will be no credits given to the developer if the development takes longer than two (2) years to begin construction.
- (11) A wastewater capacity reservation shall remain in effect for a period not to exceed two (2) years in length. At the end of the first year, the wastewater capacity reservation will expire unless a plat has been recorded with the city and appropriate county. Once the plat has been recorded, the wastewater capacity reservation will remain in effect for an additional one (1) year. At the end of the additional one-year period, the capacity reservation will expire unless building permits have been issued for the buildings and/or property for which the wastewater capacity reservation was made.
- (12) A reservation of wastewater capacity issued under the authority of this subsection (b) may be conditioned in accordance with the circumstances under which it is issued and may provide for:
  - (A) A change in the time at which the wastewater capacity reservation fee is payable;
  - (B) An amount of reserved wastewater capacity less than that applied for; and

(C) Such other restrictions, conditions or exceptions as may be appropriate.

(13) In no event shall the Director of Water and Wastewater, City Engineer, or City Engineer Designee issue a wastewater capacity reservation or restricted wastewater capacity reservation in wastewater facilities which are already fully loaded or reserved. In such circumstances, the Director of Water and Wastewater, City Engineer, or City Engineer Designee may grant an applicant priority in the reservation of capacity in any new or expanded wastewater facilities which may be constructed in the future, but Reservation Fees shall not be due until such time as capacity is available.