

Complete Ordinance  
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SUBDIVISION REGULATIONS

050686

AN ORDINANCE ADOPTING AND PROMULGATING RULES AND REGULATIONS GOVERNING THE PLATTING OR REPLATTING OF LAND INTO SUBDIVISIONS IN THE CITY OF FRANKSTON, TEXAS, AND WITHIN THE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF FRANKSTON, TEXAS, AND REQUIRING PLATS AND REPLATS TO CONFORM TO SUCH RULES AND REGULATIONS IN ORDER TO PROCURE THE APPROVAL OF THE CITY COUNCIL OF THE CITY OF FRANKSTON; DEFINING REQUIREMENTS; FORBIDDING TRANSFERS OF LAND WITHOUT COMPLIANCE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR A PENALTY AND SEVERABILITY CLAUSES.

BE IT ORDAINED BY THE CITY COUNCIL OF FRANKSTON, AS FOLLOWS:

1. SHORT TITLE

This ordinance shall be known, cited and referred to as the "Subdivision Regulations for the City of Frankston, Texas."

2. STATUTORY AUTHORITY

These rules and regulations as herein set forth governing the platting or replatting of land into subdivisions in the City of Frankston in the land within the extra territorial jurisdiction of the City are herein promulgated and adopted in accordance with the laws of this State.

3. PURPOSE AND OBJECTIVES

In the interpretation and application of the provisions of this Ordinance, it is the intention of the governing body that the principals, standards, and requirements provided for herein be minimum requirements for the purpose of promoting the health, safety, and general

**ORDINANCE NO. 081815  
REVISED - 031417**

**AN ORDINANCE OF THE CITY OF FRANKSTON, TEXAS,  
ESTABLISHING RATES FOR THE PROVISION OF WATER AND  
WASTEWATER SERVICE AND FOR THE COLLECTION OF SOLID  
WASTE WITHIN THE CITY OF FRANKSTON, PROVIDING FOR A  
PENALTY, AND PROVIDING A SEVERANCE CLAUSE.**

**WHEREAS**, the City of Frankston provides water, wastewater, and solid waste collection services to citizens within its corporate boundaries; and

**WHEREAS**, the City is required to collect charges for the services it provides so as to pay for the provision of adequate and reliable service; and

**WHEREAS**, the City must ensure that the charges are collected, and needs to establish fair and reasonable deposits to ensure that all ratepayers are responsible for the services that they receive; and

**WHEREAS**, the City incurs substantial administrative and other costs when service must be terminated for non-payment, and when such service is reinstated, which costs should be recovered through disconnect and reconnect fees; and

**WHEREAS**, the City Council has determined that the rates charged to customers of the City's water, wastewater, and solid waste service should be established to accurately reflect the cost of providing the services:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF FRANKSTON, TEXAS:**

**I.**

The following schedule of rates is hereby established for water service, wastewater service, and trash collection service:

**DEPOSIT**

\$200.00 – Owners  
\$200.00 - Renters

**RATES**

RESIDENTIAL

Water Service: \$22.00 per month minimum monthly charge for the first 2,000 gallons of water, plus

\$4.50 per 1,000 gallons for all usage over 2,000 gallons.

Wastewater Service: \$20.00 per month minimum monthly charge for the first 2,000 gallons of water, plus

\$3.00 per 1,000 gallons for all usage over 2,000 gallons.

(Charges for wastewater service are calculated based on water usage.)

Maximum monthly  
Wastewater charge \$42.00

COMMERCIAL

Water Service: \$26.00 per month minimum monthly charge for the first 2,000 gallons of water, plus

\$4.75 per 1,000 gallons for all usage from 2,000 gallons to 10,000 gallons, plus

\$5.75 per 1,000 gallons for all usage over 10,000 gallons.

Wastewater Service: \$23.00 per month minimum monthly charge for the first 2,000 gallons of water, plus

\$3.75 per 1,000 gallons for all usage from 2,000 gallons to 10,000 gallons, plus

\$4.75 per 1,000 gallons for all usage over 10,000 gallons.

(Charges for wastewater service are calculated based on water usage.)

TRASH COLLECTION

Weekly service: \$19.00 per month

Twice weekly service: \$23.00 per month

**SPECIAL FEES**

Service Fee:	\$50.00
Transfer Fee:	\$15.00
Returned Check Fee:	\$35.00

Fees for a splitter to provide separate service for irrigation, and fees for the cost of a meter, are to be determined by the Water Department, based on their actual cost of providing the service.

**TAP FEES**

Water:	\$750.00
Wastewater:	\$750.00

**II.**

Trash collection fees shall be collected on all residential units with active water service, whether occupied or not.

**III.**

That all other laws, ordinances, or resolutions that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**IV.**

That in the event any part of this ordinance is declared to be invalid or unconstitutional; such declaration shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the ordinance.

**PASSED, APPROVED, and ADOPTED** by the City Council of the City of Frankston, Texas, at a regular meeting held on this the \_\_\_\_ day of August, 2015.

\_\_\_\_\_  
Sharyn Harrison, MAYOR

ATTEST:

\_\_\_\_\_  
JAN HAMILTON  
CITY SECRETARY

**ORDINANCE NO. 081815  
REVISED - 031417**

**AN ORDINANCE OF THE CITY OF FRANKSTON, TEXAS,  
ESTABLISHING RATES FOR THE PROVISION OF WATER AND  
WASTEWATER SERVICE AND FOR THE COLLECTION OF SOLID  
WASTE WITHIN THE CITY OF FRANKSTON, PROVIDING FOR A  
PENALTY, AND PROVIDING A SEVERANCE CLAUSE.**

**WHEREAS**, the City of Frankston provides water, wastewater, and solid waste collection services to citizens within its corporate boundaries; and

**WHEREAS**, the City is required to collect charges for the services it provides so as to pay for the provision of adequate and reliable service; and

**WHEREAS**, the City must ensure that the charges are collected, and needs to establish fair and reasonable deposits to ensure that all ratepayers are responsible for the services that they receive; and

**WHEREAS**, the City incurs substantial administrative and other costs when service must be terminated for non-payment, and when such service is reinstated, which costs should be recovered through disconnect and reconnect fees; and

**WHEREAS**, the City Council has determined that the rates charged to customers of the City's water, wastewater, and solid waste service should be established to accurately reflect the cost of providing the services:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF FRANKSTON, TEXAS:**

**I.**

The following schedule of rates is hereby established for water service, wastewater service, and trash collection service:

**DEPOSIT**

\$200.00 – Owners

\$200.00 - Renters

**RATES**

**RESIDENTIAL**

Water Service: \$21.00 per month minimum monthly charge for the first 2,000 gallons of water, plus

\$4.50 per 1,000 gallons for all usage over 2,000 gallons.

Wastewater Service: \$19.00 per month minimum monthly charge for the first 2,000 gallons of water, plus

\$3.00 per 1,000 gallons for all usage over 2,000 gallons.

(Charges for wastewater service are calculated based on water usage.)

Maximum monthly  
Wastewater charge \$40.00

**COMMERCIAL**

Water Service: \$25.00 per month minimum monthly charge for the first 2,000 gallons of water, plus

\$4.75 per 1,000 gallons for all usage from 2,000 gallons to 10,000 gallons, plus

\$5.75 per 1,000 gallons for all usage over 10,000 gallons.

Wastewater Service: \$22.00 per month minimum monthly charge for the first 2,000 gallons of water, plus

\$3.75 per 1,000 gallons for all usage from 2,000 gallons to 10,000 gallons, plus

\$4.75 per 1,000 gallons for all usage over 10,000 gallons.

(Charges for wastewater service are calculated based on water usage.)

**TRASH COLLECTION**

Weekly service: \$19.00 per month

Twice weekly service: \$23.00 per month

**SPECIAL FEES**

Service Fee: \$50.00  
Transfer Fee: \$15.00  
Returned Check Fee: \$35.00

Fees for a splitter to provide separate service for irrigation, and fees for the cost of a meter, are to be determined by the Water Department, based on their actual cost of providing the service.

**TAP FEES**

Water: \$750.00  
Wastewater: \$750.00

**II.**

Trash collection fees shall be collected on all residential units with active water service, whether occupied or not.

**III.**

That all other laws, ordinances, or resolutions that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**IV.**

That in the event any part of this ordinance is declared to be invalid or unconstitutional; such declaration shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the ordinance.

**PASSED, APPROVED, and ADOPTED** by the City Council of the City of Frankston, Texas, at a regular meeting held on this the \_\_\_\_ day of August, 2015.

\_\_\_\_\_  
Sharyn Harrison, MAYOR

ATTEST:

\_\_\_\_\_  
JAN HAMILTON  
CITY SECRETARY

**ORDINANCE NO. 081815**

**AN ORDINANCE OF THE CITY OF FRANKSTON, TEXAS, ESTABLISHING RATES FOR THE PROVISION OF WATER AND WASTEWATER SERVICE AND FOR THE COLLECTION OF SOLID WASTE WITHIN THE CITY OF FRANKSTON, PROVIDING FOR A PENALTY, AND PROVIDING A SEVERANCE CLAUSE.**

**WHEREAS**, the City of Frankston provides water, wastewater, and solid waste collection services to citizens within its corporate boundaries; and

**WHEREAS**, the City is required to collect charges for the services it provides so as to pay for the provision of adequate and reliable service; and

**WHEREAS**, the City must ensure that the charges are collected, and needs to establish fair and reasonable deposits to ensure that all ratepayers are responsible for the services that they receive; and

**WHEREAS**, the City incurs substantial administrative and other costs when service must be terminated for non-payment, and when such service is reinstated, which costs should be recovered through disconnect and reconnect fees; and

**WHEREAS**, the City Council has determined that the rates charged to customers of the City's water, wastewater, and solid waste service should be established to accurately reflect the cost of providing the services:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON, TEXAS:**

**I.**

The following schedule of rates is hereby established for water service, wastewater service, and trash collection service:

**DEPOSITS**

**OWNERS** - \$100.00

**RENTERS** - \$200.00

Deposits shall be refunded to owners after three years of service with no late payments.

**RATES**

**RESIDENTIAL**

Water Service: \$21.00 per month minimum monthly charge for the first 2,000 gallons of water, plus  
\$4.50 per 1,000 gallons for all usage over 2,000 gallons.

Wastewater Service: \$19.00 per month minimum monthly charge for the first 2,000 gallons of water, plus  
\$3.00 per 1,000 gallons for all usage over 2,000 gallons.  
(Charges for wastewater service are calculated based on water usage.)

Maximum monthly  
Wastewater charge \$40.00

**COMMERCIAL**

Water Service: \$25.00 per month minimum monthly charge for the first 2,000 gallons of water, plus  
\$4.75 per 1,000 gallons for all usage from 2,000 gallons to 10,000 gallons, plus  
\$5.75 per 1,000 gallons for all usage over 10,000 gallons.

Wastewater Service: \$22.00 per month minimum monthly charge for the first 2,000 gallons of water, plus  
\$3.75 per 1,000 gallons for all usage from 2,000 gallons to 10,000 gallons, plus  
\$4.75 per 1,000 gallons for all usage over 10,000 gallons.  
(Charges for wastewater service are calculated based on water usage.)

**TRASH COLLECTION**

Weekly service: \$19.00 per month  
Twice weekly service: \$23.00 per month

**SPECIAL FEES**

Service Fee: \$50.00  
Transfer Fee: \$15.00  
Returned Check Fee: \$35.00

Fees for a splitter to provide separate service for irrigation, and fees for the cost of a meter, are to be determined by the Water Department, based on their actual cost of providing the service.

**TAP FEES**

Water: \$750.00  
Wastewater: \$750.00

**II.**

Trash collection fees shall be collected on all residential units with active water service, whether occupied or not.

**III.**

That all other laws, ordinances, or resolutions that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**IV.**

That in the event any part of this ordinance is declared to be invalid or unconstitutional; such declaration shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the ordinance.

**PASSED, APPROVED, and ADOPTED** by the City Council of the City of Frankston, Texas, at a regular meeting held on this the 18<sup>th</sup> day of August, 2015.

\_\_\_\_\_  
Sharyn Harrison, MAYOR

ATTEST:

\_\_\_\_\_  
JAN HAMILTON  
CITY SECRETARY

ORDINANCE NO. 091014

AN ORDINANCE OF THE CITY OF FRANKSTON, TEXAS, ESTABLISHING RATES FOR THE PROVISION OF WATER AND WASTEWATER SERVICE AND FOR THE COLLECTION OF SOLID WASTE WITHIN THE CITY OF FRANKSTON, PROVIDING FOR A PENALTY, AND PROVIDING A SEVERANCE CLAUSE.

WHEREAS, the City of Frankston provides water, wastewater, and solid waste collection services to citizens within its corporate boundaries; and

WHEREAS, the City is required to collect charges for the services it provides so as to pay for the provision of adequate and reliable service; and

WHEREAS, the City must ensure that the charges are collected, and needs to establish fair and reasonable deposits to ensure that all ratepayers are responsible for the services that they receive; and

WHEREAS, the City incurs substantial administrative and other costs when service must be terminated for non-payment, and when such service is reinstated, which costs should be recovered through disconnect and reconnect fees; and

WHEREAS, the City Council has determined that the rates charged to customers of the City's water, wastewater, and solid waste service should be established to accurately reflect the cost of providing the services:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON, TEXAS:

I.

The following schedule of rates is hereby established for water service, wastewater service, and trash collection service:

DEPOSITS

OWNERS - \$100.00

RENTERS - \$200.00

Deposits shall be refunded to owners after three years of service with no late payments.

**RATES**

**RESIDENTIAL**

Water Service: \$21.00 per month minimum monthly charge for the first 2,000 gallons of water, plus

\$4.50 per 1,000 gallons for all usage over 2,000 gallons.

Wastewater Service: \$17.00 per month minimum monthly charge for the first 2,000 gallons of water, plus

\$3.00 per 1,000 gallons for all usage over 2,000 gallons.

(Charges for wastewater service are calculated based on water usage.)

Maximum monthly  
Wastewater charge \$40.00

**COMMERCIAL**

Water Service: \$25.00 per month minimum monthly charge for the first 2,000 gallons of water, plus

\$4.75 per 1,000 gallons for all usage from 2,000 gallons to 10,000 gallons, plus

\$5.75 per 1,000 gallons for all usage over 10,000 gallons.

Wastewater Service: \$20.00 per month minimum monthly charge for the first 2,000 gallons of water, plus

\$3.75 per 1,000 gallons for all usage from 2,000 gallons to 10,000 gallons, plus

\$4.75 per 1,000 gallons for all usage over 10,000 gallons.

(Charges for wastewater service are calculated based on water usage.)

**TRASH COLLECTION**

Weekly service: \$19.00 per month

Twice weekly service: \$23.00 per month

**SPECIAL FEES**

Service Fee:	\$50.00
Transfer Fee:	\$15.00
Returned Check Fee:	\$35.00

Fees for a splitter to provide separate service for irrigation, and fees for the cost of a meter, are to be determined by the Water Department, based on their actual cost of providing the service.

**TAP FEES**

Water:	\$750.00
Wastewater:	\$750.00

**II.**

Trash collection fees shall be collected on all residential units with active water service, whether occupied or not.

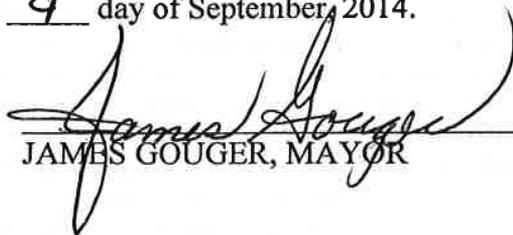
**III.**

That all other laws, ordinances, or resolutions that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**IV.**

That in the event any part of this ordinance is declared to be invalid or unconstitutional; such declaration shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared invalid or unconstitutional was not originally a part of the ordinance.

**PASSED, APPROVED, and ADOPTED** by the City Council of the City of Frankston, Texas, at a regular meeting held on this the 9 day of September, 2014.

  
\_\_\_\_\_  
JAMES GOUGER, MAYOR

ATTEST:

  
\_\_\_\_\_  
JAN HAMILTON  
CITY SECRETARY

## ORDINANCE 11-10-2009

AN ORDINANCE SETTING THE RULES AND REGULATIONS OF THE FRANKSTON WATER AND SEWER DEPARTMENT OF FRANKSTON, TEXAS; FAILURE TO COMPLY WITH THESE RULES AND REGULATIONS SHALL CONSTITUTE A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN TWENTY-FIVE (\$25.00) DOLLARS AND NOT MORE THAN TWO HUNDRED (\$200.00) DOLLARS; PROVIDING THAT EACH VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON, TEXAS;

### SECTION I.

All meters shall be set by the employees of the City. If the meter gets out of order and fails to register, the consumer will be charged at the average daily consumption, as shown by the meter when in order.

No person except authorized employees of the utility department shall turn water on or off at the stopcock in the meter box.

No person except authorized employees of the city shall break any lock on the stopcock in the water meter box. Service to any account where a broken lock is found will not be restored until all charges, including charges for water received, have been paid. Property owners will be held responsible for any damages to water meters, water meter boxes and/or curb stops when the damage is caused by tenants of the property. The property owner will pay the water department for the cost of parts.

All utility tap fees, transfer fees, returned check fees, and water and sewer rate fees will be set by the Frankston City Council. Tap fees remain with the property, they cannot be transferred. The customer shall pay all expenses incurred in the installation of a new tap for water or sewer. The cost for taps requiring a larger than standard  $\frac{3}{4}$ " meter shall be the responsibility of the customer. After prolonged usage or if the meter malfunctions, the replacement of the larger than  $\frac{3}{4}$ " meter will be at the customers expense.

A deposit of two (2) times the regular deposit shall be charged all customers if water is disconnected two (2) times in any twelve (12) months period for nonpayment of charges.

The city shall install and maintain water and sewer service connections in the streets, alleys and easements, and shall charge for the installation of all such connections. Water and sanitary sewer tap fees shall be paid to the city before the taps are made.

### SECTION II

Each consumer of water and sewer shall make a water deposit with the City Water Department. This deposit fee will be set by the Frankston City Council. Each consumer, in addition to the deposit fee, shall make application in prescribed form with the Public Works Secretary at the Frankston City Hall, in person, or by an authorized agent who shall state the name of the actual user and his authority to make application. No service shall be provided to any address where it is found or discovered that such service was obtained as a result of misinformation or deliberate misrepresentation. Any service obtained by such, may be discontinued immediately. Each consumer shall acknowledge receiving a copy of the water department rules by their signature on their application for service.

Should any person move into any premises supplied with water from the city mains without making an application in the manner provided for by the city, such person shall become responsible for all water used from the date of the last payment made on such account previous to his occupying said premises, and the failure to pay same shall be cause for disconnecting such

service until the amount due is paid. Any consumer applying for water and sewer must inform the Public Works Secretary of any past outstanding debt with the Frankston Water and Sewer Department and clear such debt prior to receiving water and sewer service.

### SECTION III

A 10% penalty will be added to any balance not paid by 4:00 P.M. on the 10<sup>th</sup> day of the month unless the 10<sup>th</sup> falls on a Saturday or Sunday, or Holiday then an extra day will be allowed. If service is disconnected for nonpayment, a reconnect fee will be charged. That fee will be set by the Frankston City Council. All past due amounts must be paid in addition to the reconnect fees before service will be continued. If payment is not received by the 15<sup>th</sup> day of the month water service will be discontinued without further notice. Once a check is returned insufficient, the water will be disconnected and a reconnect fee will be assessed, and checks will no longer be taken for payment on the water and sewer account.

### SECTION IV

It shall be unlawful for any person to do, commit or assist in committing any of the following acts:

- (1) To open or close any fire hydrant or stop cock connect with the water works system, or lift or remove the covers of any gate valve or shutoff thereof, without the permission of the superintendent except in the case of fire, and then it must be under the direction of officers of the fire department.
- (2) To interfere with, destroy, deface, impair, injure or wantonly force open any gate, or door or in any way whatsoever destroy, injure or deface any part of any engine house, reservoir, standpipe, elevated tank, building or buildings, or appurtenances, fences, trees, shrubs, or fixtures or property appertaining to the water works system.
- (3) To go upon or ascend the stairway and/or steps of any elevated water storage tank or standpipe of the water works system, without permission of the Public Works Director.
- (4) To place any telegraph, telephone, electric pole, or any other obstruction whatsoever within three (3) feet of any fire hydrant.
- (5) To resort to any fraudulent service or arrangement for the purpose of procuring water for oneself or others from private connections on premises contrary to the City regulations of ordinances.
- (6) To interfere with or injure any reservoir, tank, fountain, hydrant pipe, cock valve, or other apparatus pertaining to the waterworks system, or to turn on or off, without authority that water in any street hydrant or other water fixture
- (7) To make or permit to be made, any connection with the main or service pipes of the water works system or to turn on or use the water of such system.
- (8) To cover over or conceal from view any water valves box, service or meter box.
- (9) To remove any water meter that has been placed by the City, or to in any manner change, interfere with or tamper with any water meter or water meter lock. All water meters are owned by the City once they are set. They cannot be removed by the property owner. The property owner or the water customer will be charged for the cost of a new lock if lock is damaged when tampered with.
- (10) To turn on the water supply to any building or to any supply pipe where the supply has been turned off for the nonpayment of the monthly water charge or for the violation of any rule or ordinance governing the water works system.
- (11) To willfully clog or obstruct any drainage.
- (12) The Public Works Secretary will file charges against any person removing locks from disconnected meters. The person will be charged with court costs and any other expenses incurred due to their actions.
- (13) The Frankston Water Department has a ten (10) ft. utility easement on each property. In the event of a repair to a water line within this easement, the City of Frankston will not repair or restore any concrete or asphalt that has been installed within the utility easement over an existing water line.

SECTION V

The developer or agent of any subdivision within the city shall pay 100% of all cost of an off site main needed to provide service to his development. Where water and sewer facilities are not available to the subdivision, The City of Frankston may extend such facilities to the nearest subdivision property line within the following limitations:

- (1) Pay tap fee as set by the Frankston City Council
- (2) Pay all cost related to obtaining service from City
- (3) City of Frankston reserves the right to refuse service if addition would put a strain on existing water and sewer system

SECTION VI

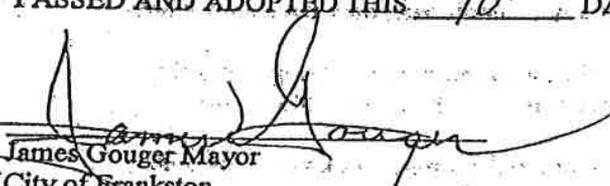
Property owners or their contractors causing damage to the City of Frankston water and sewer lines will be charged for the actual cost of repair for both materials and labor. Prior to excavating with any machinery the property owner or his agent or contractor must give FORTY-EIGHT (48) hours notice to the Public Works Secretary or the Public Works Director. This notice must be given during normal office hours.

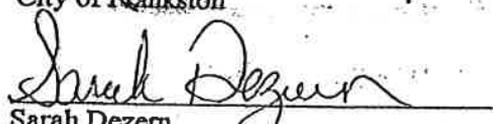
SECTION VII

Persons violating any section of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five (\$25.00) dollars and not more than two-hundred (\$200.00) dollars in the municipal court of Frankston, Texas. Each separate violation will constitute a separate offense.

This ordinance shall be in full force and effective as of 11-10-2009

PASSED AND ADOPTED THIS 10<sup>th</sup> DAY OF NOVEMBER, 2009

  
James Gouger Mayor  
City of Frankston

  
Sarah Dezem  
Public Works Secretary

COPY

CITY OF FRANKSTON

SUBDIVISION REGULATIONS

## SUBDIVISION REGULATIONS

AN ORDINANCE ADOPTING AND PROMULGATING RULES AND REGULATIONS GOVERNING THE PLATTING OR REPLATTING OF LAND INTO SUBDIVISIONS IN THE CITY OF FRANKSTON, TEXAS, AND WITHIN THE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF FRANKSTON, TEXAS, AND REQUIRING PLATS AND REPLATS TO CONFORM TO SUCH RULES AND REGULATIONS IN ORDER TO PROCURE THE APPROVAL OF THE CITY COUNCIL OF THE CITY OF FRANKSTON; DEFINING REQUIREMENTS; FORBIDDING TRANSFERS OF LAND WITHOUT COMPLIANCE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR A PENALTY AND SEVERABILITY CLAUSES.

BE IT ORDAINED BY THE CITY COUNCIL OF FRANKSTON, AS FOLLOWS:

1. SHORT TITLE

This ordinance shall be known, cited and referred to as the "Subdivision Regulations for the City of Frankston, Texas."

2. STATUTORY AUTHORITY

These rules and regulations as herein set forth governing the platting or replatting of land into subdivisions in the City of Frankston in the land within the extra territorial jurisdiction of the City are herein promulgated and adopted in accordance with the laws of this State.

3. PURPOSE AND OBJECTIVES

In the interpretation and application of the provisions of this Ordinance, it is the intention of the governing body that the principals, standards, and requirements provided for herein be minimum requirements for the purpose of promoting the health, safety, and general

welfare of the citizens of the City and the area within the extra territorial jurisdiction of the City. To achieve this end, these regulations shall govern every person, firm, association, or corporation owning any tract of land within the City limits or extra territorial jurisdiction of the City.

#### 4. STATUTORY LANGUAGE ADOPTED

Any subdivision to be hereafter created in the City or the extra territorial jurisdiction area of the City as defined by law shall be platted in accordance with State law and filed with the County Clerk of Anderson County, Texas after the approval of the governing body of this City. This ordinance is adopted and created in specific accord with Article 974a Texas Revised Civil Statutes and Section 12.001-12.002 Texas Property Code as those statutes presently exist and as they may be amended from time to time or as they may be recodified. All the requirements contained in said statutes are hereby adopted by reference as though those statutes were quoted verbatim herein.

The plat shall show all means of ingress and egress; all easements and rights-of-ways of any kind; public, private, utility, or mixed. In addition, all deed restrictions or subdivision regulations promulgated by developer or subdivider shall be filed with the City and the plat along with an application for approval. The plat and all items shown thereon shall be drawn to scale.

The application shall state the nature of the development plan, as well as the plans, specifications, and time table of the applicant for placing streets and utilities. The application shall further provide documentation from the various utility service providers (i.e. sewer, garbage, gas, water, electric, cable t.v., etc.) that these services will or will not be reasonably available to the subdivision. As to those that are reasonably available, applicant shall further document that those utility service providers find the proposed utility rights-of-ways and/or easements to be acceptable.

The plat shall show the location, with, the name of existing streets and any blocks, lots, alleys, easements, building lines and water courses or other natural features in the area affected, with principal dimensions, and any other significant information on all sides of the proposed subdivision for a distance of not less than 200 feet.

The names of proposed streets shall also be shown on the plat. Such names shall conform to the names of existing streets by which they may be or become extensions or otherwise shall not duplicate or conflict with the recognized name of any other street located in the area subject to these regulations.

In addition, the plat shall show the location of existing sewer, water, and gas mains and other public utilities, if any.

The plat shall show the proposed general plan for storm water drainage sufficiently detailed to indicate the location of drainage ditches or structures in the direction of flow.

The plat shall show the name of the proposed subdivision, a north point, the scale, the date of the plat, the owner or owners of the land to be divided, and the engineer, architects and/or surveyors responsible.

As part of the plat, there shall be a certificate of ownership of all land embraced in the subdivision, and of the authenticity of the plat and dedication, signed and acknowledged by all owners of interest in said land. The acknowledgment shall be in the form required for the conveyance of real estate. Approval and acceptance of all lien holders shall be included.

The certificate by the responsible surveyor or engineer in charge, duly authenticated, that the plat is true and correct and in accordance with the determination of surveys actually made on the ground. If the surveyor or engineer who prepared the plat did not make the boundary survey, this fact should be noted in the certificate. Also, the certificate should show whether or not the tract is within the extra territorial jurisdiction of the City measured in a straight line from the nearest points on the City Limits unless the information is shown in a suitable manner elsewhere on the face of the plat.

#### 5. STREET DESIGN STANDARDS

The following street criteria shall be adhered to when developing any subdivision plat:

1. The arrangement, character, extent, width, grade and location of all streets shall conform to the

general plan for the City and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed uses of the land to be served by such streets.

2) Where such is not shown in the general plan for the City, the arrangement of streets in the subdivision shall either:

a) provide for the continuation or appropriate projection of existing principal streets and surrounding area; or,

b) conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other condition made continuance or conformance to existing streets impracticable.

3) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the City.

4) Street jogs with centerline offsets of less than 125 feet shall be avoided.

5) A tangent at least 100 feet long shall be introduced between reverse curves on all streets where such curves may be used.

6) Streets shall be laid out so as to intersect as nearly as possible at right angles.

7) Street right-of-way widths shall be as shown in the general plan for the City and where not shown therein, shall be not less than as follows:

Major thoroughfares	-	80 ft.
Collector Street	-	60 ft.
All others	-	50 ft.

8) Street grades shall be established with due regard being had for topography, contemplated land uses, and the existing city drainage plan and facilities in the area surrounding the land to be subdivided.

6. EASEMENTS

Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width of construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

7. MINIMUM IMPROVEMENTS

The following minimum standards for improvements shall apply and shall be agreed to and complied with within each subdivision or addition:

a) All roadways shall be paved in accordance with plans and specifications furnished by the City. With the paving for the various types of streets including the curbs shall not be less than the following:

Major thoroughfares	- 48 ft.
Collector streets	- 38 ft.
All others	- 30 ft.

Where an approved public water supply and sewer system is reasonably accessible or procurable, each lot within the subdivided area shall be provided with access to such water and sewer immediately adjacent thereto with all costs to be to the developer. The installation of all water and sewer lines within the subdivided area shall be constructed in accordance with plans and specifications as furnished by the City who in designing same, shall give due consideration to further development and adequate fire protection for the subdivided area.

Failure on the part of developer to construct streets in accordance with the general plan of the City, are in accordance with the plans and specifications given Developer by the City shall result in the City not accepting the dedication to public use by the Developer. One of the results of such failure to accept dedication is that the City will expressly deny any and all responsibility for street maintenance and upkeep. Such responsibility for maintenance, repair, and upkeep shall remain with the Developer or his successors.

Failure of the Developer to comply with the plans and specifications given to it by the City for the connection to all water and/or sewer systems shall result in the failure of the City to accept any responsibility for said sewer or water mains that might result normally at the time of public dedication.

The City of Frankston shall not make any water connections to any residence, business building, or other structure upon any subdivided area subject to the jurisdiction and control of the City where the subdivision has not been accomplished in accordance with the terms and provisions of this ordinance.

8. WITHHOLDING BUILDING PERMITS

No building permit shall be issued by the City on any piece of property other than an original or a resubdivided lot in a duly approved and recorded subdivision after the effective date of this ordinance, unless all the provisions of this ordinance have been complied with.

9. OWNER CERTIFICATE OR DEED OF DEDICATION

The dedication deed or certificate of dedication shall be executed by all persons, firms or corporations owning an interest in the property subdivided and platted, and shall be acknowledged in the manner prescribed by the laws of the State of Texas for conveyances of real property. Two (2) true copies must be furnished with the original. The wife of all married men executing such dedication deed or certificate of dedication shall join with their husband therein unless satisfactory proof be provided showing that the property to be subdivided does not constitute any portion of such party's homestead or community property, in which case the instrument of dedication shall state the fact that the property subdivided and platted does not constitute a part of such party's homestead and does not constitute any part of portion of community property and positively designates and identifies such party's homestead.

In the case of lien holders, they may execute a subordination agreement, subordinating their liens to all public streets, alleys, parks, school sites, and any other public area shown on the plat of such subdivision as being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:

1) An accurate description of the tract of land subdivided.

2) A statement and express representation that the parties joining in such dedication deed or certificate of dedication are the sole owners of such tract of land.

3) An express dedication to the public for public use forever of the streets, alleys, rights-of-ways, parks, school sites, and other public places shown on the attached plat, subject only to the reservation by the City of the right to reject such dedication as to public streets and water and sewer connections for a period of one year from the date of approval of the plat.

#### 10. VARIANCES

1) The City Council may authorize a variance from the regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Council shall prescribe only conditions that it deems necessary or desirable to the public interest in making the findings herein below required. The Council shall take into account the nature of the proposed usage of land involved, the existing usage of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable affect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare of individuals in the vicinity. No variances will be granted unless the Council finds the following:

a) That there are special circumstances or conditions affecting the land involved such that strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.

b) That the variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the variance will not be detrimental to the public health, safety, or welfare of individuals, or injurious to other property in the area.

c) That the granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this ordinance.

d) The Council may not authorize a variance that would constitute a violation of any other valid ordinance of the City.

2) Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

3) Such variances and modifications as may be granted shall be by at least a two-thirds (2/3) majority vote of City Council.

#### 11. CONFLICT WITH OTHER ORDINANCES

Ordinances, or parts of ordinances, with the exception of the building code and comprehensive zoning ordinance of the City which are inconsistent or in conflict with any of the provisions of this ordinance be, and the same are, hereby repealed. Where the building code or zoning ordinance of the City contain regulations which are more restrictive than the regulations contained herein, the most restrictive shall control.

#### 12. FILING FEES

The following schedule of fees and charges shall be collected by the City when any preliminary plat is tendered to the City for consideration. Each of the fees and charges provided for herein shall be paid for in advance, and no action by the City shall be valid until the fees, herein provided, shall have been paid.

- 1) Preliminary plat - \$35 per plat plus \$1.00 per lot.
- 2) Final plat - No charge.
- 3) Replats - \$35 per replat, in the event that no preliminary plat is required; if a preliminary plat is required, the fee shall be the same as for a preliminary plat.

#### 13. PENALTY

1) Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than \$200.00. Each transaction and violation of any of the provisions hereof shall be deemed a separate offense.

2) Any person who shall violate any of the provisions of this ordinance, or who shall fail to comply with any of the provisions hereof, within the extra territorial jurisdiction of the City, shall be the subject of a suit filed in District Court as provided for in Article 970a, Texas Revised Civil Statutes, such suits being filed for the purpose of restraining and enjoining the violation of this ordinance.

14. SEVERABILITY

It is hereby declared to be the intention of the City that the sections, paragraph, 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 or invalid by judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance.

This ordinance having been duly adopted this the 6<sup>th</sup> day of May, 1986, by the City Council of the City of Frankston, Texas sitting at a regularly and properly noticed meeting.

  
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RONALD A. SMITH, MAYOR

ATTEST:

  
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JEAN CALHOUN, CITY SECRETARY