

ORDINANCE NO. 2019-21

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AMENDING
ORDINANCE NO. 2018-13 REGARDING MANDATORY CONNECTION
TO A PUBLIC WASTEWATER SYSTEM; PROVIDING FOR FINDINGS
OF FACT, AN EFFECTIVE DATE, SEVERABILITY; REPEALER AND
PROPER NOTICE AND MEETING.**

WHEREAS, the Board of Aldermen Village of Salado, Texas (the “Village”) seeks to promote the health, safety and general welfare of the citizens of the Village, and the best interests of the Village; and

WHEREAS, the Village is responsible for and committed to the provision of public services including wastewater services at levels necessary to provide service for customers connecting to the system; and

WHEREAS, the Village adopted Ordinance No. 2018-13 establishing requirements for mandatory connection to the Village Sewer System on August 16, 2018; and

WHEREAS, on April 4, 2019, the Village adopted amendments to Ordinance No. 2018-13 to add exceptions for certain septic systems regarding the deadline for mandatory connection to the Village Sewer System; and

WHEREAS, the Board of Aldermen has carefully reviewed the policies and procedures established by Ordinance No. 2018-13 and desires to make certain amendments to the policies and process for mandatory connection to the Village Sewer System to ensure the efficient administration; and

WHEREAS, the Board of Aldermen, finds that it is necessary and proper for the good government, peace or order of the Village of Salado to adopt this ordinance relating to the mandatory connection to the Village Sewer System.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE
VILLAGE OF SALADO, TEXAS:**

SECTION 1. FINDINGS OF FACT

The facts and recitations found in the preamble of the Ordinance are true and correct and incorporated herein for all purposes.

SECTION 2. AMENDMENT

Ordinance No. 2018-13 is hereby amended to read in accordance with *Attachment “A”*, which is attached hereto and incorporated into this Ordinance for all intents and purposes

SECTION 3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 4. SEVERABILITY

In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconditional; and the Board of Aldermen of the Village of Salado, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 5. EFFECTIVE DATE

This Ordinance is in full force and effect immediately upon its adoption.

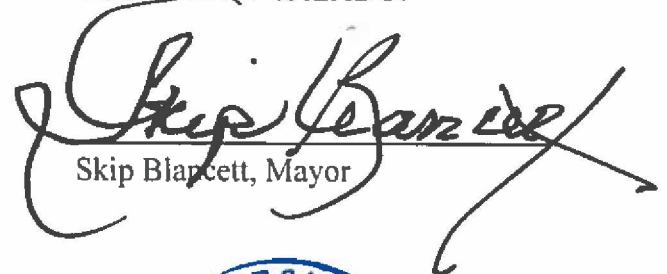
SECTION 6. PROPER NOTICE AND MEETING

That it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chap. 551, Tex. Loc. Govt. Code.

FIRST READING OF ORDINANCE PASSED, APPROVED, AND ADOPTED on this the 17th day of October, 2019 by a 3 (ayes) to 2 (nays) to 0 (abstentions) vote of the Board of Aldermen of the Village of Salado, Texas.

SECOND READING OF ORDINANCE PASSED, APPROVED, AND ADOPTED on this the 7th day of November, 2019 by a 5 (ayes) to 0 (nays) to 0 (abstentions) vote of the Board of Aldermen of the Village of Salado, Texas.

VILLAGE OF SALADO:


Skip Blancett, Mayor

ATTEST:


Cara McPartland, City Secretary



Attachment "A"

SECTION 1. CONNECTION TO SEWER SYSTEM REQUIRED.

(A) This section applies to all properties within the corporate limits of the Village of Salado.

(B) *Connection is required.* All property owners are required to connect buildings or structures intended for human habitation or occupancy located on their property to the Village's Sewer System in accordance with the following provisions:

(1) *Existing On-Site Sanitary Sewer Systems.* Except as provided in paragraph (3) of this Subsection, within ninety (90) days of notice from the Village of the availability of the Village's Sewer System to the public, all property owners that own buildings or properties connected to an existing on-site sanitary sewer system within the area specified in Section 2.0 Utility Service and Fee Application Area of the April 2018 Report entitled 2018 Development of a Wastewater Impact Fee for the Village of Salado shall connect to the Village's Sewer System and shall immediately cease using the on-site sanitary sewer system upon such connection. Such connections shall be made in accordance with required procedures set forth by the Village and within the time prescribed by the Village.

If the building or property is not connected to the Village's Sewer System within the time prescribed or operation of the on-site sanitary sewer system is not discontinued, it shall be a violation of this Ordinance and subject the property owner to the penalties set forth in this Ordinance. In addition to the penalties set forth in this ordinance, the Village Administrator may provide written notice to the person owning, having possession, or in control of the property required to be connected to the Village's Sewer System. Such notice shall also state that, upon failure of the property owner or occupant to connect to the Village's Sewer System within thirty (30) days from the date of the notice, the Village will connect the property to the Village's Sewer System, and will charge the cost and expense incurred by the Village to connect the property to the Village's Sewer System to the owner of such property, and that the Village may place a lien on such property for those costs and expenses, may institute suit against the owner to collect the costs incurred by the Village or may undertake other measures within the Village's authority to recover the costs. The notice provided for this section shall be in writing and either served personally or sent by letter addressed to the owner of such property, at the address of the property, or at the address as identified by the appraisal district.

(2) *New Connections.* The owner of every new building intended for human habitation or occupancy, applying for a certificate of occupancy after the date the Village Sewer System is operational and available, on property within one-hundred fifty (150) feet of the Village's Sewer System or facilities, shall connect the new building to the Village's Sewer System prior to the issuance of a certificate of occupancy and in accordance with the required procedures established by the Village. A separate connection for each house or building on the property requiring service shall be required unless the Village

Administrator approves the connection of more than one (1) building located on the single property to a single connection. All new subdivisions platted after the date of an operational Village Sewer System, located within one-hundred fifty (150) feet of the Village Sewer System shall be connected to the Village's Sewer System in accordance with required procedures set forth by the Village and within the time prescribed by the Village.

(3) A property owner with a septic system installed on or after April 2, 2011 and before April 2, 2019 (within eight (8) years from the date of sewer service availability) may continue use of the septic system in lieu of connecting to the Village Sewer System for eight (8) years from the date of installation. At the end of the eighth year from the date of installation or if the septic system fails at any time during the eight years, the property owner must connect to the Village Sewer system in accordance with this Ordinance.

SECTION 2. PENALTY.

(A) *General.* Any person who violates any provision of this Ordinance for which no other penalty is provided shall, upon conviction, be subject to penalties as set forth in this Section of the Ordinance.

(1) *Civil and criminal penalties.* The Village shall have the power to administer and enforce the provisions of this Ordinance, as may be provided by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.

(2) *Criminal prosecution.* It is a criminal offense to violate any portion of this Ordinance. Any person willfully and knowingly violating any provision of this Ordinance shall, upon conviction, be fined \$100 per day. Each day that a provision of this Ordinance is violated shall constitute a separate offense. The total sum of all criminal fines shall not exceed the amount of the Wastewater Impact Fee, as determined by the Village, for the person convicted.

(3) *Civil remedies.* Nothing in this Section shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Section and to seek remedies as allowed by law, including, but not limited to the following:

- (a) Injunctive relief to prevent specific conduct that violates this Ordinance or to require specific conduct that is necessary for compliance with this Ordinance; and
- (b) A civil penalty of not less than \$50 per day or more than \$100 per day when it is shown that the defendant was actually notified of the provisions of this Ordinance and after receiving notice committed acts in violation of this Ordinance or failed to take action necessary for compliance with this Ordinance. Each day that a provision of this Ordinance is violated shall constitute a separate offense. The total sum of all civil fines shall not exceed

the amount of the Wastewater Impact Fee, as determined by the Village, for the person found to have violated provisions of this Ordinance.

(c) Other available relief.