

ORDINANCE NO. 2018-13

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, ESTABLISHING THE REQUIREMENTS FOR MANDATORY CONNECTION TO A PUBLIC WASTEWATER SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING; SEVERABILITY AND REPEALER.**

**WHEREAS**, the Board of Aldermen of the Village of Salado seeks to promote the health, safety and general welfare of the citizens of the Village, and the best interests of the Village; and

**WHEREAS**, pursuant to Texas Local Government Code 51.001, the Board of Aldermen is authorized to adopt an ordinance that is for good government, peace and order of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

**WHEREAS**, pursuant to Texas Local Government Code 51.012, the Board of Aldermen is authorized to adopt an ordinance, not inconsistent with state law, that the Board considers proper for the government, interest, welfare or good order of the Village; and

**WHEREAS**, the Board of Aldermen seeks to ensure that water and sewer service is adequate and efficient for the citizens of the Village; and

**WHEREAS**, currently a majority of the properties located within the Village operate on-site sanitary sewer systems; and

**WHEREAS**, the Board is in the process of constructing a public wastewater system to serve the Village's downtown business district and some adjacent areas; and

**WHEREAS**, the Board finds that it is in the best interest of the public health, safety and welfare of the citizens to require connections to the Village sewer system once operational as provided by this ordinance; and

**WHEREAS**, the Board finds that the restrictions imposed by this Ordinance are reasonable, necessary, and proper for the good government of the Village of Salado; and

**WHEREAS**, pursuant to Chapter 552 of the Texas Local Government Code and other laws, the Village is authorized to operate its sewer utility system inside and outside its municipal boundaries, to regulate the systems in a manner that protect the interests of the municipality, and to extend the lines of its utility systems inside and outside the municipal boundaries.

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

## I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual of the findings of the Board of Aldermen of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

## II. ORDINANCE

That this Ordinance is hereby enacted for the purpose of establishing requirements for mandatory connection to a public wastewater system and shall read as follows:

### 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.* 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 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.

## **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 a sum not exceeding \$2,000. Each day that a provision of this Ordinance is violated shall constitute a separate offense.

(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 \$100 nor more than \$5,000 a 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; and
- (c) Other available relief.

## **III. SEVERABILITY**

It is hereby declared to be the intention of the Board of Aldermen that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of the Ordinance shall be enforced as written.

**IV. EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

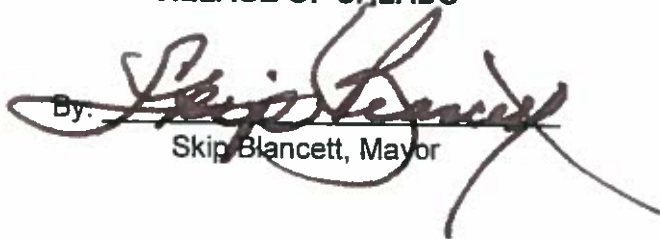
**V. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required, and that public notice of the time, place and purposes of the meeting was given as required by the Open Meetings Act, chapter 551 of the Texas Local Government Code, and the Standard Zoning Enabling Act, Chapter 221 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED ON FIRST READING**, this 2nd day of August, 2018, by a 2 (Ayes) 1 (Nays) 1 (Abstain) vote of the Board of Aldermen of the Village of Salado, Texas.

**PASSED AND APPROVED ON SECOND AND FINAL READING**, this 16th day of August, 2018, by a 4 (Ayes) 1 (Nays) 0 (Abstain) vote of the Board of Aldermen of the Village of Salado, Texas.

**VILLAGE OF SALADO**

By:   
Skip Blancett, Mayor

**ATTEST:**

  
Cara McPartland, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Erin Selvera, Assistant City Attorney

