

ORDINANCE NO. 02062023-02

AN ORDINANCE OF THE CITY OF ELKHART, TEXAS, ESTABLISHING THE REQUIREMENTS FOR MANADATORY CONNECTION TO THE CITY'S SEWER SYSTEM; PROVIDING FOR AN EFFECTIVE DATE, A SEVERABILITY CLAUSE AND A REPEALER CLAUSE.

WHEREAS, the City Council of the City of Elkhart, Texas seeks to promote the health, safety, and general welfare of the citizens of the city, and the best interests of the City; and

WHEREAS, pursuant to Texas Local Government Code § 51.001, The City Council is authorized to adopt an ordinance that is for good government, peace, or order of the City and is necessary and proper for carrying out a power granted by law to the city; and

WHEREAS, pursuant to Texas Local Government Code § 51.012, the City Council is authorized to adopt and ordinance, not inconsistent with state law, that the council considers proper for the government interest, welfare or good order of the City; and

WHEREAS, pursuant to Texas Local Government Code § 214.013, the City may require citizens of the City to connect to the City's sewer system; and

WHEREAS, the City Council finds that requiring connection to the City's sewer system is in the best interest of the public health, safety, and welfare of the citizens; and

WHEREAS, pursuant to Texas Local Government Code § 552.001 and other laws, the City is authorized to operate its sewer utility system inside and outside the municipal boundaries, to regulate the system in a manner that protect the interests of the municipality, and to extend the lines of its utility system inside and outside the municipal boundaries.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ELKHART, TEXAS AS FOLLOWS:

SECTION 1. FINDING OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of Elkhart and are hereby adopted and incorporated into the body of the ordinance as if copied in their entirety.

SECTION II. CONNECTION TO THE SEWER SYSTEM REQUIRED

- A.** The owner of every new building intended for human habitation or occupancy applying for a certificate of occupancy on property within the city limits shall be connected to City's sewer system if services are available. A separate connection for each house or building on the property requiring service shall be required. All new subdivision within the city limits shall be connected to the City's sewer system if services are available. If a building or property is to be served by the City's sewer system, the sewer line to serve each building or property must be installed before the certificate of occupancy may be issued and the building or property is occupied. Public works director will determine if services are available and will give final approval on all projects.

- B. Any property owner having installed a septic system on property prior to the passing of this Ordinance shall not be required to comply with the terms of the ordinance. However, the owner of any septic system shall ensure that any septic system on their property compliant with any applicable local, state, and federal guidelines.

SECTION III. PENALTY

In the event owner fails to connect to the City's sewer system as required by the ordinance, the City may fix a lien against the owner's property, charge the cost of connection to the owner, and impose a penalty in the form of a citation for each day a violation exist. Upon conviction regarding any citation issued, a fine not exceed \$500 may be imposed.

SECTION IV. SEVERABILITY

Should any sentence, paragraph, subdivision, clause, phrase, or section of the Article be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Article in whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional.

SECTION V. REPEALER

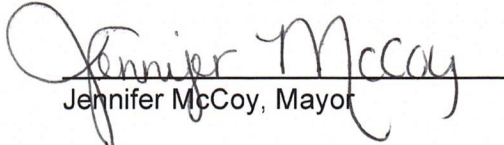
The provisions of the Article shall be cumulative of all other ordinance or parts of ordinance governing or regulating the same subject matter as that covered herein; provide, however, that all prior ordinances or parts of ordinance inconsistent or in conflict with any of the provisions of the Article are hereby expressly repealed to the extent that such inconsistency is apparent. The Article shall not be constructed to require or allow any act that is prohibited by any other ordinance.

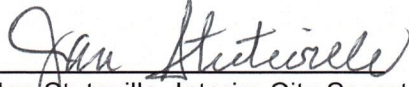
SECTION VI. EFFECTIVE DATE

This Article shall take effect immediately from and after its passage and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Elkhart on this 7th day of February, 2023.

APPROVED:


Jennifer McCoy, Mayor


Jan Stuteville, Interim City Secretary