

ORDINANCE 2019-001

AN ORDINANCE OF THE TOWN OF ANTHONY, TEXAS AMENDING ANTHONY MUNICIPAL CODE SECTION 13.08.010 (SEPTIC TANKS) OF CHAPTER 13.08 (SEWAGE DISPOSAL REGULATIONS) AND SECTION 13.16.040 (DEFINITIONS) OF CHAPTER 13.16 (WATER WELLS) TO PROVIDE FOR A SEPTIC TANK VARIANCE IN CERTAIN SPECIAL AND LIMITED CASES THAT MEET SPECIFIC CRITERIA AND REQUIREMENTS.

WHEREAS, the GOVERNING BODY did hold a duly noticed Public Hearing; and

WHEREAS, the GOVERNING BODY did consider testimony from staff and the public before reaching its decision; and

WHEREAS, pursuant to the statutory authority granted to the GOVERNING BODY as a municipality under Texas Local Government Code Section 51.001, the GOVERNING BODY may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, pursuant to the statutory authority granted to the municipality as a Type A General-Law Municipality under Texas Local Government Code Section 51.012, the municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and

WHEREAS, the GOVERNING BODY does make the following finding:

1. That it is in the best interest and welfare of the public at large and to otherwise provide for the orderly and safe growth of commerce within the municipal limits of the Town of Anthony, Texas that a septic tank variance be available for properties that cannot be reasonably served by the town's sewer facilities and that meet certain specific criteria and requirements outlined in this ordinance necessary for the health, safety, welfare and protection of the public at large and for the orderly and safe growth of commerce.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ANTHONY, TEXAS: that in consideration of the aforementioned findings and testimony, it hereby ordains that it does hereby approve the establishment, provision and availability of a septic tank variance in certain specific and limited cases that meet specific criteria and requirements as set out more fully herein as follows:

Section 1. AUTHORITY AND PURPOSE.

AUTHORITY: This Ordinance is adopted pursuant to the enabling provisions of Texas Local Government Code Section 51.001 and Section 51.012.

PURPOSE: The purpose of this ordinance is to amend provisions in the Anthony Municipal Code for the purpose of providing for a septic tank variance for properties that cannot be reasonably served by the Town's sewer facilities and that meet certain specific criteria and requirements outlined in this ordinance necessary for the health, safety, welfare and protection of the public at large and for the orderly and safe growth of commerce.

Section 2. AMENDMENT OF TITLE 13 - PUBLIC SERVICES, CHAPTER 13.08 – SEWAGE DISPOSAL REGULATIONS, SECTION 13.08.010 - SEPTIC TANKS.

Section 13.08.010 – Septic Tanks, which currently reads as follows:

“No new septic tanks shall be permitted to be installed in the town.”

is hereby amended to read as follows:

“No new septic tanks shall be permitted to be installed in the town, except as follows:

1. The property to be served by the septic tank is over one hundred (100) feet in distance from the town's sewer facilities; and
2. The property to be served by the septic tank is a minimum of five (5) acres in size; and
3. The property to be served by the septic tank cannot have more than two (2) buildings or dwelling units connected to the septic tank; and
4. The property to be served by the septic tank shall generate wastewater less than one thousand (1,000) gallons per day or that amount as allowed by State regulations, whichever is less. If the property to be served by the septic tank shall ever exceed generation of wastewater over this amount, then the property owner shall be required to connect, within one (1) year from such date of occurrence, to the town's sewer system at the property owner's sole expense at a location as determined by the town in the town's sole discretion and shall discontinue and close down the septic tank and associated leach field in compliance with town and State regulations; and
5. The septic tank shall not pose any safety or health hazards to the public or the town's water supply system; and

6. The septic tank and associated leach field shall be located a minimum of one hundred fifty (150) feet away from any groundwater well and/or water treatment plant property line in all directions; and
7. The property owner agrees in writing to connect to the town's sewer system within one (1) year of the date when the town's sewer system comes within one hundred (100) feet in distance of the subject property and such connection shall be at the property owner's sole expense and in accordance with Section 13.04.040 and Section 13.04.200 of the Anthony Municipal Code; and
8. The property owner agrees to provide a surveyed and recorded easement (at least twenty (20) feet in width) to the town at a location on the property as determined in the town's sole discretion for planned future sewer and/or water services extensions or expansions; and
9. The property owner shall submit a septic tank variance request in a form approved by the town for review and approval; and
10. Any septic tank and leach field system approved by the town shall be installed by a licensed septic tank system installer and installed in accordance with State Requirements, TCEQ Chapter 285 – On Site Sewage Facilities, and a copy of the installation receipt from said installer shall be provided to the town; and
11. The property owner shall complete a septic tank permit application and shall pay applicable fees to be established by Town Council resolution.

Section 3. AMENDMENT OF TITLE 13 - PUBLIC SERVICES, CHAPTER 13.16 – WATER WELLS, SECTION 13.16.040 - DEFINITIONS.

Section 13.16.040 – Definitions, which currently reads in pertinent part as follows:

“Septic tank. No septic tanks are allowed within the town. No considerations will be made by the town council.”

is hereby amended to read as follows:

“Septic tank. No septic tanks are allowed within the town, except in special cases as described in Section 13.08.010 – Septic Tanks. Any variances allowing septic tanks shall meet the requirements set forth in Section 13.08.010 – Septic Tanks.

Section 4. SEVERABILITY.

Should any section, paragraph, clause or provision of this Ordinance for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 5. REPEALER.

All ordinances or resolutions or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency or conflict. This repealer shall not be construed to revive any ordinance or resolution or part thereof, heretofore repealed.

Section 6. EFFECTIVE DATE.

This ordinance shall be effective as provided by law.

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 551.

PASSED, ADOPTED AND APPROVED THIS 22ND DAY OF APRIL, 2019.

APPROVED:


Benjamin Romero
Mayor

ATTEST:


Norma Gonzalez
Deputy Town Clerk



ROLL CALL VOTE:

Mayor Pro-Tem Shawn Weeks

Councilor Jose Garcia

Councilor Eddie Chavez

Councilor Louie Alfaro

✓
✓
Absent
✓