

ORDINANCE NO. 2020-607

AN ORDINANCE AMENDING CHAPTER 28 – ZONING OF THE CODE OF ORDINANCES OF THE CITY OF WACO, TEXAS, BY AMENDING APPENDIX B “SUBDIVISIONS” PART V “REQUIRED IMPROVEMENTS” SECTION 5.201 “PERMANENT IMPROVEMENTS” TO REQUIRE THAT ALL LOTS LOCATED IN WACO’S EXTRATERRITORIAL JURISDICTION, AND NOT IMMEDIATELY CONNECTED TO A PUBLIC SANITARY SEWER EASEMENT, SHALL BE A MINIMUM OF 1 ACRE IN SIZE WHEN USING AN ON-SITE SEWER FACILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WACO, TEXAS:

Section 1. That Section 28-5.201 “Utilities” in Chapter 28 “Zoning” of the Code of Ordinances of the City of Waco, Texas, shall be amended and shall read as follows (~~deletions~~/additions):

Sec. 28-5.2. Permanent improvements.

5.201. *Utilities:*

2) Waco's Extraterritorial Jurisdiction

- a) Sanitary sewer lines shall be immediately installed and connected to a public sewer line, at the expense of the subdivider of the property, if the lot is within 500 feet of a public sewer line.
- b) Sanitary sewer lines shall be immediately installed and connected to a public sewer line, at the expense of the subdivider of the property, if the lot is less than ~~one-half (1/2)~~ one (1) acre in size.
- c) All lots not immediately connected to the sanitary sewer system shall use an on-site sewage facility (OSSF). Lots ~~may~~ shall be a minimum of ~~one-half~~ one (1) acre in size if effluent disposal is to be by subsurface soil absorption or surface irrigation and this type of effluent disposal meets regulations and standards set forth by the Waco-McLennan County Health District, the State Health Department, and the ~~Texas Natural Resource Conservation Commission (TNRCC)~~ Texas Commission on Environmental Quality (TCEQ), as well as any additional regulations and standards set forth herein. ~~Lots using surface irrigation as the means of effluent disposal shall be a minimum of one (1) acre and meet all the above regulations and standards.~~ Existing lots or tracts of land being platted as of September 1, 2020 under one (1) acre in size may effluent disposal by subsurface soil absorption or surface irrigation subject to meeting regulations and standards set forth by the Waco-McLennan County Health District, the State Health Department, and Texas Commission on Environmental Quality (TCEQ).

- d) Before the City Council approves a final plat for any lots that are not immediately served by sewer, the subdivider shall be required to furnish the City Council, satisfactory evidence including, but not limited to, the results of soil tests and borings, and statements from the Waco-McLennan County Health District and/or State Health authorities, environmental engineers and other proper officials, that soil conditions are such that satisfactory sewage disposal can be provided by the use of an approved on-site sewerage facility (OSSF). All on-site sewerage facilities shall be designed, installed and operated in accordance with the rules, regulations, and standards prepared by the Waco-McLennan County Health District, the State Health Department and the ~~Texas Natural Resources Conservation Commission (TNRCC)~~ Texas Commission on Environmental Quality (TCEQ). Test locations and soil test results shall be submitted for approval to the City of Waco Department of Engineering Services and Utility Services Environmental Coordinator. The required evidence shall serve as the basis for approval of the certification as referred to in Section 3.303(A)(18).

The following statement shall be placed on the final plat:

"The following statement certifies that an engineering suitability report prepared by _____, on the _____ day of _____, _____, has been submitted and accepted for this subdivision plat. Individual On-Site Sewage Facility designs must be submitted for approval for each lot, and built to ~~Texas Natural Resource Conservation Commission (TNRCC)~~ Texas Commission on Environmental Quality (TCEQ) regulations prior to occupation of the residence. This subdivision plat approved and accepted by City of Waco Utility Services for the Waco-McLennan County Health District on this the _____ day of _____, _____."

(Signature, Environmental Coordinator)
Waco-McLennan County Health District

The statement shall be signed by the appropriate official of the Waco-McLennan County Public Health District or designee.

- e) All design work done in connection with sewage disposal systems shall be performed by persons qualified under State of Texas law to do such work.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance

shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 4. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Waco, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

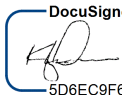
Section 5. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco, Texas which shall be a fine of not less than \$1.00 and no more than \$2,000.00, and each day a violation exists shall be a separate offense.

Section 6. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

PASSED AND APPROVED:

First Reading: this 18th day of August, 2020.

Second Reading: this 1st day of September, 2020.

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Kyle Deaver, Mayor
City of Waco, Texas

ATTEST:

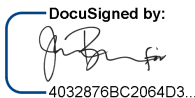
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Esmeralda Hudson, City Secretary



APPROVED AS TO FORM & LEGALITY:

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Jennifer Richie, City Attorney