

**ORDINANCE NO. O-33-15**

**AN ORDINANCE PROVIDING A PROCEDURE FOR VARIANCES FROM THE REQUIREMENT TO CONNECT TO CITY SANITARY SEWER SERVICES.**

**WHEREAS**, pursuant to Section 98-1 of the Palestine City Code, all owners of buildings on property served by City sanitary sewer service are required to connect to the city sewer; and

**WHEREAS**, the City Council finds that this requirement may pose a hardship to certain non-profit organizations that face unusual hardships in complying with the City's regulations; and

**WHEREAS**, in certain limited circumstances, the benefit to the public for having universal sanitary sewer service and avoiding on-premises treatment of wastewater is outweighed by the burden on the property owner; and

**WHEREAS**, the City Council is of the opinion that the following Ordinance should be passed and that the same is in the public interest and necessary for the promotion of health, safety, morals and general welfare of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALESTINE, TEXAS:**

**I.**

That Section 98-1 of the Palestine Code of Ordinances is amended to read as follows:

**Sec. 98-1. - Sewer connection required.**

All owners or occupants of buildings or agents for the owners of buildings situated in the city where a sanitary sewer exists or where it may exist and where the property line of the land on which any such building is situated approaches or extends to within 100 feet of any such sewer are required to construct or cause to connect to the city sewer under the supervision of the ~~director of public works~~ Utilities Director.

**II.**

That Section 98-1.1 of the Palestine Code of Ordinances is added to read as follows:

**Sec. 98.1.1 Variances**

(a) The City Council may authorize a variance to the requirements in Section 98.1 to allow the installation of an alternative sewage treatment facility to serve a structure owned by a non-profit entity that will be located on a property that is currently served by city-owned sanitary sewer lines.

(b) The variance shall be granted in the discretion of the Council based on the following criteria:

1. The cost of installing an alternative sewage treatment facility is significantly less than the cost of sanitary sewer line tap installation, and the cost of sanitary sewer line tap installation is significantly greater than the typical cost faced by a property owner due to conditions specific to the property or the proposed use of the property;

2. Site conditions such as distance from nearest city-owned sewer line, topography of the site, the type of development that the alternative sewage treatment facility would serve, and any other condition that makes connecting to a city-owned sewer line technically not feasible;

### III.

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

### IV.

Should any provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed all remaining provisions in this Ordinance notwithstanding the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

### V.

This Ordinance shall become effective ten days after its publication as required by the City Charter and by law.

**PASSED, APPROVED and ADOPTED** this 14<sup>th</sup> day of September, 2015.

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Bob Herrington, Mayor

ATTEST:  
APPROVED AS TO FORM:

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Teresa Herrera, City Secretary

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Ronald D. Stutes, City Attorney