

Ordinance No. 2024-17  
Village of Salado  
County of Bell  
August 26, 2024

**ORDINANCE NO. 2024-17**

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, ESTABLISHING UTILITY SERVICE TERMS AND CONDITIONS OUTSIDE OF THE VILLAGE MUNICIPAL LIMITS, AND PROVIDING FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the Village of Salado, Texas (the “Village”) is a general law municipality in the state of Texas; and

**WHEREAS**, pursuant to Texas Local Government Code § 51.012, the Board of Aldermen (the “Board”) of the Village of Salado, Texas (the “Village”) is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers necessary for the government, interest, welfare, or good order of the Village as a body politic; and

**WHEREAS**, the Village seeks to provide for the health, safety, and welfare of its citizens; and

**WHEREAS**, the Board of Aldermen (the “Board”) of the Village seeks to ensure that utility service is adequate and efficient for the citizens of the Village; and

**WHEREAS**, pursuant to Chapter 402 of the Texas Local Government Code and other laws, the Village is authorized to operate its utility systems inside or outside its municipal boundaries, to regulate the systems in a manner that protects 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:**

**SECTION I. ENACTMENT PROVISIONS**

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as “The Ordinance Establishing Utility service Terms and Conditions Outside of the Village Municipal Limits.”
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply generally within the Village limits.

**D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

## SECTION II. ADOPTION

Ordinance No. 2024-17 is hereby adopted as follows:

### **Section 1: Outside-Village sewer service requirements.**

- (a) This section applies to any retail sewer service provided and requested to be provided by the Village to premises that are located, in whole or in part, outside the municipal limits of the Village.
- (b) All customers of the Village's sewer system, including those customers located in whole or in part outside the municipal limits of the Village, shall comply with any cross-contamination and backflow prevention requirements of the Village or retail water service provider.
- (c) Any customer receiving utility services outside the Village municipal limits may not maintain connection to the Village's sewer system or connect to the Village's sewer system unless the customer is in compliance with the applicable Village ordinances. Customers receiving sewer service must at all times be in compliance with state law, the Village's plumbing code, the Village's pretreatment requirements, and this and other Village ordinances relating to the provision of sewer service. Any customer failing to be in compliance or refusing reasonable requests for inspection of facilities connected or to be connected to the Village's utilities may be disconnected or declined services.
- (d) The application for service to property located outside the corporate limits of the Village shall include the following statement:

THE APPLICANT UNDERSTANDS AND AGREES THAT ALL ORDINANCES OF THE VILLAGE (AS NOW WRITTEN AND AS HEREINAFTER AMENDED) RELATING TO SEWER SERVICE OR TO PLUMBING MATTERS, INCLUDING BUT NOT LIMITED TO CROSS-CONNECTION AND BACK-FLOW PROTECTION REQUIREMENTS, AND PRETREATMENT REQUIREMENTS, AND INCLUDING ORDINANCES THAT IMPOSE CRIMINAL SANCTIONS, APPLY TO SEWER SERVICES PROVIDED BY THE VILLAGE TO PREMISES OUTSIDE OF THE MUNICIPAL LIMITS. THE APPLICANT ALSO UNDERSTANDS AND AGREES THAT THE VILLAGE MAY SUSPEND OR DISCONNECT SUCH SERVICES IN THE EVENT THAT THE APPLICANT OR ANY OTHER PERSON AT THE PREMISES TO BE SERVED FAILS TO COMPLY WITH SUCH ORDINANCE.

THE APPLICANT ALSO UNDERSTANDS THAT THE APPLICANT'S PROPERTY CONNECTED TO THE VILLAGE'S SEWER SYSTEM WILL BE VOLUNTARILY ANNEXED BY THE VILLAGE AT SUCH TIME THAT IT IS LEGALLY POSSIBLE FOR THE VILLAGE TO ANNEX THE PROPERTY AND WHEN THE BOARD OF ALDERMEN DETERMINES IT TO BE IN THE BEST INTEREST OF THE VILLAGE.

(e) No sewer service application shall be accepted by the Village and no new retail sewer service shall be provided at premises located in whole or part outside the municipal limits of the Village unless a completed and signed application is submitted to the Village that meets the Village's sewer service application requirements, and the person has complied with the following requirements:

(1) The person has paid the prescribed sewer connection and plumbing code inspection fees and impact fees if applicable, and has presented to the Village Administrator, or his or her designee, written evidence from the appropriate plumbing official that the plumbing system at the premises to be served has been inspected by the Village and is in compliance with the Village's plumbing code;

(2) The person has complied with the Village's utility facilities extension requirements, if necessary; and

(3) The person has submitted a written request to be annexed into the municipal limits of the Village. If the person's property is not contiguous to the municipal limits of the Village, the written request must be submitted, but will not be effective, until such time as the person's property is contiguous to the municipal limits of the Village. Such request shall be filed in the deed records and shall run with the land.

(f) Only applicants located outside the municipal limits that meet the requirement of this section will be qualified service applicants and thus eligible to obtain sewer service.

### **SECTION III. SAVINGS CLAUSE**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

### **SECTION IV. SEVERABILITY CLAUSE**

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

**SECTION V. REPEALER CLAUSE**

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

**SECTION VI. EFFECTIVE DATE**

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

**SECTION VII. NOTICE AND MEETING CLAUSE**

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 Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION VIII. PUBLICATION**

This Ordinance shall become effective immediately upon the date of its publication as required by Section 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

**PASSED AND APPROVED on SECOND READING this, the 26 day of 8, 2024, by a vote of 4 (ayes) to 0 (nays) and 0 abstentions vote of the Board of Aldermen of the Village of Salado, Texas.**

  
Bert Henry, Mayor

ATTEST:

  
Debbie Bean, Village Secretary

Approved to Form:

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Josh Katz, Village Attorney