

ORDINANCE NO. 2021-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AMENDING CITY CODE OF ORDINANCES CHAPTER 98 (ENTITLED "SUBDIVISIONS") BY EXEMPTING PROPERTIES SUBDIVIDED BY SHORT-FORM PLATS AND NOT RECEIVING CITY WATER FROM THE WATER AVAILABILITY CERTIFICATION REQUIREMENT OF SECTION 98-24(c)(1)g and ADDING A REQUIREMENT THAT ALL PLATS OF SUBDIVISIONS OF PROPERTY NOT RECEIVING CITY WATER INCLUDE A CERTIFICATION BY THE CENTRAL TEXAS GROUNDWATER CONSERVATION DISTRICT ADDRESSING THE DRILLING OF WATER WELLS ON ANY PART OF THE SUBDIVIDED PROPERTY; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Texas Local Government Code Chapter 212, City Code Chapter 98 was adopted to regulate the subdivision of land within the city's corporate and extraterritorial jurisdiction to protect the health, safety, and welfare of the public; and

WHEREAS, pursuant to Texas Local Government Code § 212.0101, the City adopted City Code Section 98-24(c)(1) g., requiring a person submitting a plat for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land to include a statement prepared by a licensed engineer or geoscientist certifying adequate ground water is availability to serve the subdivision; and

WHEREAS, city council has found that the application of the City Code Section 98-24(c)(1) g., requirement on a person subdividing four or fewer lots by short form plat creates an undue hardship; and

WHEREAS, city council has determined it is paramount to the protection of the public to require a person submitting a plat for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land to receive drilling rights verification from the Central Texas Groundwater District that the drilling and operation of a water well on the land is authorized.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section one. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section two. Amendment. The Code of Ordinances, Chapter 98 (entitled "Subdivision") Section 98-24 (entitled "final plat") is hereby amending subsection 98-24(c)(1)g., by adding the language that is underlined (underlined) and removing the language that is stricken (~~stricken~~) as follows:

g. Groundwater certification. The certifications found in this subsection are not required if the property will be served by the city water system.

(i) Adequacy of supply. Certification shall be required from a registered professional engineer, and approval by TCEQ (if applicable), that water satisfactory for human consumption is available in adequate supply at the time of submission, ~~except that such certification is not required if the property will be served by the city water system.~~ This requirement may be waived for a short form plat application upon the request of the short form plat applicant and the addition of a plat note on said short form plat that reads as follows:

The quality or quantity of an available water source has not been verified by a registered professional engineer or geoscientist.

(ii) Groundwater district acknowledgment. An acknowledgement shall be placed on the final plat, signed by an authorized agent of the groundwater district and reading substantially similar to the following: "I **INSERT NAME**, HAVE REVIEWED THE PLAT ON BEHALF OF THE CENTRAL TEXAS GROUNDWATER CONSERVATION DISTRICT. DRILLING OPERATIONS FOR WATER WELLS ON ANY OF THE LOTS, PARCELS OR TRACTS SHOWN HEREON SHALL NOT COMMENCE UNTIL PROPER AUTHORIZATION IS ISSUED BY THE CENTRAL TEXAS GROUNDWATER CONSERVATION DISTRICT."

Section three. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "general penalty").

Section four. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

Section five. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section six. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance

and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section seven. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, as required by Texas Government Code Chapter 551.

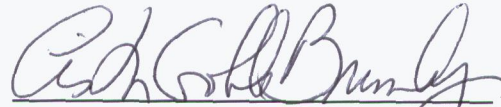
Section eight. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.


Passed on first reading on the 27th day of April 2021

Passed, approved and Adopted on the 11th day of May, 2021

CITY OF BURNET


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

