

# OFFICIAL RECORD

## RESOLUTION NO. 08-050A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTHLAKE, TEXAS ADOPTING A POLICY WHICH ESTABLISHES AN ECONOMIC INCENTIVE PROGRAM ENCOURAGING CONNECTION IN A TIMELY MANNER TO THE CITY'S WASTE WATER SYSTEM THAT HAS BEEN CONSTRUCTED VIA THE NEIGHBORHOOD SEWER PROGRAM AND/OR DEVELOPER CONSTRUCTED PROJECT AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, a Home Rule Charter of the City of Southlake was approved by the voters in a duly called Charter Election on April 4, 1987 pursuant to Article IX, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the City Council recognized the importance of requiring the installation of sewerage collection systems and requiring connection to the City's sewer system within 90 days upon the availability of service by approving Ordinance No. 440 on July 5, 1988 and subsequently revising it by approving Ordinance No. 514 on August 21, 1990; and,

**WHEREAS**, the City Council recognizes the importance of constructing additions to the sanitary sewer infrastructure system by dedicating significant funding toward the construction of said sanitary sewer infrastructure improvements within neighborhoods which do not have access to the city's sanitary sewer system; and,

**WHEREAS**, the City Council recognizes that in order to provide for the general welfare, health and safety of the citizens of Southlake, it is essential for properties which are served by other waste disposal methods, more specifically, by underground septic systems be connected to the city's sanitary sewer system as soon as it has been made available; and,

**WHEREAS**, the City Council recognizes that it is within their powers authorized by Ordinance 440 and 514 to mandate connection to the city's sanitary sewer system; and

**WHEREAS**, the City Council recognizes that a financial burden is placed on property owners at the time of connection to the sanitary sewer system; and,

**WHEREAS**, the City Council desires to encourage property owners to connect in a timely manner to any newly constructed sanitary sewer system improvements made available within 100 feet of their property;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTHLAKE, TEXAS:**

**SECTION 1.** All of the findings in the preamble are found to be true and correct and the City Council hereby incorporates said findings into the body of this resolution as if copied in its entirety.

**SECTION 2.** Resolution No. 08-050 is hereby replaced in its entirety by this resolution.

**SECTION 3.** The Council hereby directs staff to implement a policy establishing a two tiered incentive program encouraging property owners to connect to sanitary sewer improvements in a timely manner. Property owners who apply for sewer service and complete the connection within 180 days of the sewer being made available for connection are eligible for a complete waiver of the then-in-effect sewer tap fee (100% incentive). Property owners who apply for sewer service and complete the connection from 181 days to 365 days of the sewer being made available for connection are eligible for a waiver of half the then-in-effect sewer tap fee (50% incentive). Property owners who apply for sewer service and complete the connection 366 days or beyond the date of the sewer being made available

are responsible for full payment of the then-in-effect sewer tap fee unless a waiver of said fee was authorized via separate instrument prior to the passage of this resolution. The date that sewer is made available is hereby established as the date of acceptance of the infrastructure improvements by the Public Works Department.

**SECTION 4.** City staff is hereby authorized by the City Council to establish, in accordance with the terms of said policy, a connection incentive program for future Neighborhood Sewer Programs (NSP) and/or Developer constructed projects in order to encourage timely connection to the city's sanitary sewer system.

**SECTION 5.** The Neighborhood Sewer Program Participation Fee of \$1300 established in Resolution 95-28, adopted on July 18, 1995 is hereby repealed. However, before a service connection can be made to the city's sanitary sewer system, a Neighborhood Sewer Program (NSP) Application Fee shall be paid at the time of application. In addition, any applicable wastewater impact fee must also be paid. If Neighborhood Sewer Program (NSP) application is made and found to meet all conditions as outlined, an incentive is exercised by means of this aforementioned policy, the sanitary sewer tap fee or a portion thereof will be waived as the incentive for a timely connection. Application and connection must occur within 180 days (100% incentive) or between 181 days and 365 days of accepting the sanitary sewer improvements which serve the subject property.


**SECTION 6.** Furthermore, Council authorizes the Director of Public Works to offer the Neighborhood Sewer Program (NSP) connection incentive at any time to any elderly and disabled individuals residing in the city, provided such residents have a household income which is less than two hundred percent (200%) of the Federal Poverty Level.

**SECTION 7.** The policy, attached hereto, as adopted by City Council shall be kept on file in the office of the City Secretary of the City of Southlake, along with a copy of the resolution of the Council so adopting or approving the same.

**SECTION 8.** This resolution shall become effective on the date of approval by the City Council.

**PASSED AND APPROVED THIS 17th DAY OF NOVEMBER, 2009.**

CITY OF SOUTHLAKE

By:   
John Terrell, Mayor

ATTEST:

  
Lori Payne, TRMC  
City Secretary

