VILLAGE OF VOLENTE

ORDINANCE NO. 2009-O-104

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING THE WATER QUALITY (NON-POINT SOURCE POLLUTION CONTROL) ORDINANCE IN THE VILLAGE CODE BY ADDING A NEW SUBSECTION (g) TO SECTION 32.117 TO REGULATE TEMPORARY AND FINAL STABILIZATION OF DISTURBED AREAS, AND AMENDING SECTION 32.136, (d) TO ESTABLISH THE PERIOD OF TIME FOR WHICH FISCAL SECURITY IS REQUIRED FOR WATER QUALITY CONTROLS; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, AND COMPLIANCE WITH THE PUBLIC NOTICE AND MEETING REQUIREMENTS.

WHEREAS, the Village of Volente has adopted a Water Quality (Non-Point Source Pollution Control) Ordinance for the corporate limits of the Village of Volente; and,

WHEREAS, the Planning and Zoning Commission of the Village of Volente has recommended to the Village Council that the Water Quality (Non-Point Source Pollution Control) Ordinance be amended by adding a new subsection (g) to Section 32.117 to regulate the stabilization of disturbed areas and amending Section 32.136 (d) to establish that fiscal security shall be maintained for at least one year longer than the term of the development permit; and,

WHEREAS, the Village of Volente has complied with the notice and public hearing requirements of the Texas Local Government Code and the Texas Open Meetings Act;

WHEREAS, the Village Council has concluded that the recommendation of the Planning and Zoning Commission regarding addition to and amendment of the Water Quality (Non-Point Source Pollution Control) Ordinance should be accepted, and that the Village Code be changed as set forth below;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF VOLENTE, TEXAS, THAT OF THE WATER QUALITY (NON-POINT SOURCE POLLUTION CONTROL) ORDINANCE, SECTIONS 32.117 (g) AND 32.136 (d), OF THE VILLAGE OF VOLENTE IS AMENDED AS FOLLOWS:

Section 1. Legislative Findings

The recitals above made in the Preamble are hereby deemed to be the Factual and Legislative Findings of the Village Council, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

A. Purpose

This Ordinance is adopted so that the Village Council may promote the public health, safety, and general welfare within the Village through the regulation of development sites and water quality in order to prevent bodily injury, death, and property damage within the Village Limits.

B. Jurisdiction

This Ordinance shall apply within and throughout the incorporated municipal boundary (*i.e.,* Village limits) and any extraterritorial jurisdiction of the Village of Volente, Texas.

Section 2.

A. Section 32.117 of the Water Quality (Non-Point Source Pollution Control) Ordinance of the Village Code of Ordinances is amended to provide as follows: A new subsection (g) is added and shall read

(g) Temporary and Final Stabilization of Disturbed Areas: All disturbed areas of the project site, including stockpiles, on which construction activities have temporarily ceased shall be stabilized with vegetation or by other methods approved by the Village unless construction activities at that location will resume within 21 days of cessation. Disturbed areas of the project site where construction activities have permanently ceased shall be stabilized within 14 days according to the approved final stabilization plan for the site.

B. Section 32.136 of the Water Quality (Non-Point Source Pollution Control) Ordinance of the Village Code of Ordinances is amended to provide as follows: A new sentence is added at the end of subsection (d), and the subsection shall read

(d) Fiscal security for the water quality controls shall be in the form of cash escrow or a cashier's check or money order in the specified amount. If authorized by the village, a performance bond or a letter of credit may be considered by the village, as security for the construction of the controls. The issuer of any surety bond and letter of credit shall be subject to the approved of the village. Term of

fiscal security shall be for a least one year longer then the term development permit.

Section 3. Severability.

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. Effective Date

This Ordinance shall take effect upon adoption or if required by state law, after any required posting and publication of this Ordinance in accordance with the provisions of Chapter 52 of the Texas Local Government Code.

Section 5. Public Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 21st day of July, 2009, by a vote of _____ ayes,____ nays, and _____ abstentions of the Volente Village Council.

VILLAGE OF VOLENTE

Jan Yenawine, Mayor

ATTEST:

Jennifer Zufelt, Village Secretary