VILLAGE OF VOLENTE

ORDINANCE NO. 2009-O-103

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING THE SITE DEVELOPMENT REGULATIONS IN THE VILLAGE CODE BY ADDING LANGUAGE AT SECTION 33.341 TO REGULATE THE HEIGHT OF TEMPORARY SPOILS PILES, AND TO ESTABLISH A TIME PERIOD AND RESPONSIBILITY FOR COST FOR THEIR REMOVAL; PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, AND COMPLIANCE WITH THE PUBLIC NOTICE AND MEETING REQUIREMENTS.

WHEREAS, the Village of Volente has adopted site development regulations within 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 language be added to the site development regulations to set a maximum height for temporary spoils piles and to allow the Village of Volente to remove spoils piles remaining after the expiration of the site development permit, at the site owner's expense; 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; and

WHEREAS, the Village Council has concluded that the recommendation of the Planning and Zoning Commission should be accepted and that Section 33.341 of the Village Code be changed as set forth below;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF VOLENTE, TEXAS, THAT THE SITE DEVELOPMENT REGULATIONS IN ARTICLE 30.300 OF THE VILLAGE OF VOLENTE CODE OF ORDINANCES 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 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. Section 33.341 of the Village Code of Ordinances is amended to provide as follows: **Two sentences are added to Sec. 33.341 Cut and Fill, (D) Spoils Disposal,**

(2), so the amended (2) will be as follows:

(2) Temporary spoils on sites identified on construction drawings and approved by the Village shall be removed prior to the issuance of a certificate of acceptance for the associated construction project. **Maximum height of temporary spoils piles shall not exceed ten feet (10'). Spoils that remain on the site at the expiration of the site development permit are subject to removal by the Village at the owner's expense.**

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 5 ayes, 0 nays, and 0 abstentions of the Volente Village Council.

VILLAGE OF VOLENTE

Jan Yenawine, Mayor

ATTEST:

Jennifer Zufelt, Village Secretary