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ORDINANCE NO. 2001-1

AN ORDINANCE ADOPTING RULES GOVERNING PLATS AND SUBDIVISIONS OF LAND WITHIN THE TOWN OF ANNETTA NORTH, EXTENDING THE APPLICATION OF THIS ORDINANCE TO THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF ANNETTA NORTH, REQUIRING PLATS FOR WHICH THE SOURCE OF WATER SUPPLY INTENDED FOR THE SUBDIVISION IS GROUNDWATER TO ATTACH A STATEMENT BY A REGISTERED ENGINEER CERTIFYING THAT ADEQUATE GROUNDWATER IS AVAILABLE FOR THE SUBDIVISION IN ACCORDANCE WITH RULES ESTABLISHED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION, PROVIDING THAT THE ORDINANCE IS CUMULATIVE OF OTHER ORDINANCES, AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, Chapter 212 of the Texas Local Government Code authorizes the adoption of rules governing plats and subdivisions of land within a municipality's jurisdiction;

WHEREAS, the Town of Annetta North has previously adopted certain rules governing such plats and subdivisions; and

WHEREAS, after a public hearing on the matter, the Board of Aldermen of the Town of Annetta North finds that the following rules promote the health, safety, morals and general welfare of the Town and the safe, orderly, and healthful development of the Town of Annetta North;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF ANNETTA NORTH, TEXAS that:

SECTION 1. REQUIREMENTS:

Persons submitting a plat for the subdivision of a tract of land *into three or more parcels* for which the source of water supply intended for the subdivision is groundwater under that land, shall attach to such plat a statement prepared by an engineer registered to practice in the State of Texas which certifies that adequate groundwater is available for the subdivision. (See Attachment A - Chapter 230 Texas Natural Resource Conservation Commission Groundwater Availability Certification for Platting.)

SECTION 2. CERTIFICATION

The engineer's certification required in Section I, above, shall be in accordance with rules adopted by the Texas Natural Resource Conservation Commission which establishes the appropriate form and content thereof.

SECTION 3. EXTRATERRITORIAL JURISDICTION

These rules and all previously adopted rules governing plats and subdivisions of land within the Town of Annetta North shall be and are hereby extended to the extraterritorial jurisdiction of the Town of Annetta North to the extent permitted by law.

SECTION 4. REPEALER CLAUSE

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such, inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause or action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

SECTION 5. SEVERABILITY CLAUSE

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any Phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, subsection, articles, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

SECTION 6. ENGROSSMENT AND ENROLLMENT CLAUSE.

The City Secretary of the Town of Annetta North is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause (if any); publication clause and effective date clause in the minutes of the Board of Aldermen and filing the ordinance in the ordinance records of the Town.

SECTION 7. PUBLICATION CLAUSE.

The City Secretary is hereby directed to post or publish in the official newspaper of the Town of Annetta North, the caption, penalty clause (if any), publication clause and effective date clause of this ordinance in one issue of the official newspaper of the Town, provided that the official newspaper is a weekly paper as authorized by Section 52:011 of the Texas Local government code.

SECTION 8. PENALTY CLAUSE

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this Article shall be fined upon conviction not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000), and each day any violation of non-compliance continues shall constitute a separate and distinct offense.

SECTION 9. EFFECTIVE DATE

This ordinance shall be effective after final passage and publication as required by law.

PASSED, APPROVED and effective this 9th day of April , 2001.

S/Edward Hensley
MAYOR

ATTEST:

S/Sarah Bruce
City Secretary