

ORDINANCE #96-00107

An Ordinance of Flood Hazard District and Water Pollution Control. This district consists of those areas in relatively low lying flood portions of the City along major streams, creeks and drainage ways which are subject to periodic inundation and are unsuitable in present form for use as a building site. The objective of water pollution control is to restore and maintain chemical, physical and biological integrity of the city waters.

Be it ordained by the City Council of the City of Mustang Ridge, Texas that the following rules and regulations and charges shall govern the approval and requirements of plats within the corporate limits and where applicable extraterritorial limits of the City of Mustang Ridge, Texas.

Section I. Flood Hazard District

- (1) The City zoning map shall identify all flood hazard zones on it's zoning map and adopt national flood insurance program maps as reference as identified on map panel.
- (2) No construction shall be permitted in areas identified as flood plain.
- (3) No flood hazard district area may be altered without City consent.

Section II. Water Pollution Control

- (1) Discharge of pollutants and toxic pollutants into streams on flood hazard districts is prohibited.
- (2) Water quality standards shall be enforced. Standards adopted are those set by the State of Texas and regulated by Texas Natural Resource Conservation Commission and the City of Mustang Ridge. Water quality must meet Federal EPA Standards, rules and regulations.
- (3) It is the policy of Mustang Ridge that programs for the control of non-point sources of pollution be developed and implemented in an expeditious manner so as to enable the goals of this ordinance to be met through the control both point and nonpoint sources of pollution.

Section IIA. Definition

- (1) The term "pollution" means the man-made or man-induced alteration of chemical, physical, biological and radio-logical integrity of water.
- (2) The term "toxic pollutants" means combinations of pollutants, including disease causing agents, which often discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the City, cause deaths, disease, behavioral adnormalities, cancer, genetic, mutations, physiological malfunction of physical deformations in such organisms of their offsprings.

- (3) The term "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock; this term does not include agriculture storm water.

Section III. General Subdivision Design Standards and Specifications

- (1) No preliminary plat or final plat shall be approved by the City Council unless the subdivision follows good planning practices and proven engineering practices on flood hazard control and pollution control. Environmental impact study may be required by the City Council of Mustang Ridge.

Section IV. Administrative Expenses, Fees and Incidental Expenses

- (1) All legal fees incident to subdivision, all fees for engineering and surveying, and recordation fees shall be paid by the developer. In the event the City has to secure the services of an engineer, planner, attorney and any related field expertise to review the proposed subdivision the developer shall also pay for those costs.

Section V. Variances

- (1) The City Council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the City Council shall prescribe only the conditions that it deems necessary to or desirable in the public interest. Example: some agriculture land may qualify for such variances for agriculture purpose.

Section VI. Separability Clause.

If any section, clause, paragraph, sentence, or phrase of this ordinance shall, for any reason be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable, and such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way effect the remainder of this ordinance and it is hereby declared to be the intention of the council that the remainder of this ordinance will be passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

Section VII. Penalties

Violation of any of the provisions of the ordinance by any subdivider shall constitute a misdemeanor and upon conviction of such violation a fine of not less than \$200.00 nor more than \$2,000.00 shall be imposed plus court cost and each day that such violation continues shall be a separate offense. In the event a corporation is the violator of any provisions of this ordinance, each officer, agent, and/or employee committing, or assisting in the commission or acting as an accomplice of such violation shall be individually and severable liable for the penalties herein prescribed. Any cost incurred in clean-up will be paid by the violator.

Section VIII. Emergency

Whereas an emergency becomes apparent for the immediate preservation by order, health, safety, and general welfare of the public it would require that this ordinance become effective immediately; and therefore, the rule requiring ordinances to be read at separate meetings is suspended as to this ordinance, and same shall be in full force and effect from and after it's final passage.

Finally passed and approved this 21st day of May, 1996.

Attest:

Kristie Hoff
Kristie Hoff, City Secretary

Alfred Vallejo II
Alfred Vallejo, II, Mayor