

CITY OF JOSHUA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, AMENDING ARTICLE 13.03, "SEWAGE DISPOSAL," OF CHAPTER 13, "UTILITIES," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, BY REPEALING EXISTING SUBSECTIONS (a) AND (b) OF SECTION 13.01.001, "LAWFUL METHODS OF DISPOSAL; CONNECTION TO PUBLIC SEWER," AND REPLACING SUBSECTION (a) WITH A NEW PROVISION THAT ELIMINATES THE REQUIREMENT THAT A SEPTIC TANK CANNOT BE LOCATED LESS THAN 150 FEET FROM A SEWER LINE; ADDING A NEW DIVISION 3, "WATER WELLS," TO ARTICLE 13.03, "SEWAGE DISPOSAL," OF CHAPTER 13, "UTILITIES," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS; AMENDING ARTICLE 13.03 BY CHANGING ITS NAME FROM "SEWAGE DISPOSAL" TO "SEWAGE DISPOSAL; WATER WELLS"; MAKING FINDINGS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Joshua, Texas ("City"), is a Home Rule municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City is authorized and empowered to amend ordinances from time to time in order to protect the welfare of its inhabitants; and

WHEREAS, due to the excessive impact fees charged by the Johnson County Special Utility District, it is the desire of the City Council to foster development in the City, in part, by eliminating the requirement that no septic tank can be located less than one hundred fifty feet (150') from a sewer line; and

WHEREAS, property owners should be given the option to install water wells on their property so long as such owners follow all applicable provisions of state law; and

WHEREAS, the City Council has determined that the foregoing amendments are in the best interests of the residents of the City and will promote further development in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Article 13.03, "Sewage Disposal," of Chapter 13, "Utilities," of the Code of Ordinances of the City of Joshua, Texas, is hereby amended to read as follows:

"ARTICLE 13.03

SEWGE DISPOSAL; WATER WELLS

Division 1

Generally

§ 13.03.001. Lawful methods of disposal.

- (a) Lawful methods of disposal. It shall be unlawful for any person to dispose of any human excreta within the city except in a sanitary water flush closet or a septic tank built according to the specifications of the Department of State Health Services. No septic tank shall be permitted within one hundred and fifty feet (150') of a sewer line; however, in the event of undue hardship due to location, soil conditions, topography, cost or other condition deemed appropriate, the city council may grant an exception to such requirement.
- (b) Reserved.

* * *

Division 3

Water Wells

§ 13.03.050. Water Wells.

It shall be unlawful for any person to construct, modify, and/or seal any water well within the City unless he holds a valid permit issued pursuant to any rules or regulations promulgated by the State of Texas."

SECTION 3

This Ordinance shall be cumulative of all provisions of ordinances of the City of Joshua, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5

All rights and remedies of the City of Joshua are expressly saved as to any and all violations of the provisions of existing ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6

Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine of not less than One Dollar (\$1.00) and not more than Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 7

This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ON THIS THE 17TH DAY OF JULY, 2025.

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM:

Terrence S. Welch, City Attorney