

ORDINANCE NO. 407

AN ORDINANCE OF THE CITY OF WINK, TEXAS, MAKING IT MANDATORY FOR ALL SINGLE-FAMILY DWELLINGS, COMMERCIAL ESTABLISHMENTS, INDUSTRIAL BUSINESSES OR PLANTS, AND ANY OTHER USERS OF WATER OR SEWER UTILITIES WITHIN THE CITY LIMITS TO CONNECT TO THE CITY'S WATER AND WASTEWATER SYSTEM WHERE AVAILABLE; EXEMPTING EXISTING NON-CONFORMING SEPTIC SYSTEMS; PROVIDING FOR CONNECTION FEES; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR PUBLICATION.

WHEREAS, it is in the interest of the citizens and property owners of the City of Wink, Texas (the "City") that improvements be made to the City's water system and sanitary sewer system; and

WHEREAS, the City has obtained federally funded loans for water and sewer system improvements; and

WHEREAS, the USDA Rural Utilities Service requires a mandatory connection ordinance to be enacted; and

WHEREAS, it is necessary to establish rules, regulations and penalties for residents and business establishments that are required to connect to the water and sewer system; and

WHEREAS, it is necessary to establish rates, fees and to require mandatory connections in order to finance the re-payment of the loan obtained; and

WHEREAS, certain properties exist within the city limits that have septic systems in place for the associated residences or other uses on such properties as of the time of the adoption of this ordinance; and

WHEREAS, the City Council hereby finds and determines that such properties should be declared to be non-conforming uses that are exempted from the sewer connection requirements in this ordinance; and

WHEREAS, the City Council hereby finds and determines that requiring the residents, businesses and property owners within the City to obtain water and sewer service from the City systems where it is available and not otherwise exempted from this ordinance, increases the number of participants contributing to the cost of the improvements, operation and maintenance of the City water and sewer systems, thereby defraying to the greatest extent possible future increases in the water and sewer rate and connection charges for all customers; and

WHEREAS, the governing body of the City is authorized to enact regulations for the benefit of the health, welfare and general well-being of its inhabitants; **NOW THEREFORE**:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINK, TEXAS:

Section 1. It shall be mandatory for all existing and newly constructed single-family dwellings, multiple family dwellings, commercial establishments, industrial businesses and plants, and any other users of water and sewer, unless otherwise exempted in this ordinance, to connect to the City's water and sewer utility lines when and as the same are constructed or otherwise made available by the City.

Section 2. Those properties that exist within the city limits that are not connected to the City sewer system but, as of the time of adoption of this ordinance have septic systems in place for the residences, businesses, or other uses on such properties are declared to be non-conforming uses that are exempted from the sewer connection requirements in this ordinance.

Section 3. A Connection Fee Schedule and Water and Sewer User Fee Schedules have previously been adopted by Resolution Number 239 and may be amended from time to time thereafter by resolution of the City Council.

Section 4. One connection for water and sewer utilities is required for each lot, single-family dwelling, multiple family dwelling, commercial establishment, industrial business or plant, or other user of water and sewer utilities within the city limits, unless the same is exempt from such connection requirement pursuant to this ordinance.

Section 5. Any water user, resident, or occupier of a dwelling or commercial establishment or property of any kind that is required to have a water or sewer connection pursuant to this ordinance, that fails to connect to the City water or sewer system or fails to pay the scheduled connection fee as made mandatory by this ordinance, shall be assessed a fine not to exceed the sum of Five Hundred Dollars (\$500.00). Any person that is fined and thereafter fails to connect or fails to pay the mandatory connection fee within thirty (30) days after such fine is levied, will be assessed an additional fine not to exceed Two Hundred Dollars (\$200.00) per day until the connection is made or the connection fee is paid.

Severability. If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

Conflicts. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, 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 by this ordinance.

This ordinance shall become effective after its approval and adoption and its publications pursuant to law.

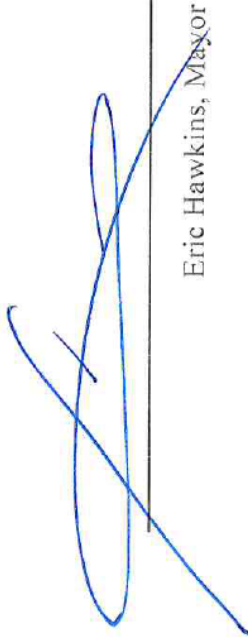
PASSED AND APPROVED THIS 12th DAY OF NOVEMBER 2024.

CITY OF WINK



Attest:

Gina Funderburg
Gina Funderburg, City Secretary


Eric Hawkins, Mayor