

RESOLUTION NO. 24-06

IMPOSING A MORATORIUM ON THE ISSUANCE OF NEW SEWER CONNECTIONS ON CERTIFICATION BY THE DISTRICT ENGINEER THAT SEWER SERVICE CAPACITY FOR SUCH CONNECTION IS AVAILABLE

WHEREAS, the Bayview Municipal Utility District ("District") Wastewater Treatment Plant ("WWTP") has reached permitted treatment capacity, and cannot accommodate additional effluent that would be generated by new sewer connections or the allocation of additional WWTP capacity, measured by "equivalent single family residence" ("ESFRs"), multi-family, commercial, subdivision, recreational vehicle, mobile home or other developments providing multiple single-family residences or rental properties within the District's service area; and

WHEREAS, causing the WWTP to exceed its treatment capacity would adversely affect the public health, safety, and welfare of the residents within the District's boundary; and

WHEREAS, pursuant to the District's General Regulations and Rules, all premises within the District's service area which generate sewage must be connected to the District's sanitary sewer system; and

WHEREAS, all premises served by water service connections necessarily generate sewage effluent and, therefore, require corresponding sewer connections; and

WHEREAS, buildings or dwellings that do not have water or sanitary sewer service are deemed "substandard," and not fit for human habitation under TAC 217, TCEQ and

WHEREAS, the District cannot issue permits for connection to the District's sanitary sewer system due to lack of capacity at its WWTP, as doing so would allow for the construction of buildings, dwellings, or improvements that would necessarily be "substandard;" and

WHEREAS, the District finds that a moratorium on the issuance of new sewer connections for buildings, dwellings or improvements that would require new sewer connections or the allocation of additional ESFRs is necessary for the immediate preservation of the public peace, health, and safety.

NOW, THEREFORE, IT IS RESOLVED by the Board of Directors of the Bayview MUD that a moratorium is hereby imposed against the issuance of new connection permits for buildings, dwellings or improvements which would require the issuance of new sewer connections, and the issuance of any sewer connections or allocation of additional ESFRs which have not already been approved by the Bayview MUD as of the effective date of this Resolution.

IT IS FURTHER RESOLVED, that District officials or staff shall neither accept nor approve any applications for, nor accept fees for, any permits or other approvals for the issuance of new sewer connections during the period the moratorium is in effect, except as otherwise may be required by law.

IT IS FURTHER RESOLVED, that District officials or staff shall neither accept nor approve any applications for, nor accept fees for, any new sewer service connections, nor the purchase of any additional ESFRs which have not already been approved by Bayview MUD as of the effective date of this Ordinance.

IT IS FURTHER RESOLVED, that the moratorium imposed by this Resolution shall cease when the Bayview MUD finds, by issuance of the certification of the District Engineer, that the health and safety of the public will not be jeopardized by the conditions causing the issuance of this moratorium, which otherwise shall be in effect. Such approved moratorium shall be reviewed monthly by Board of Directors and at 6 month anniversary of Engineers report.

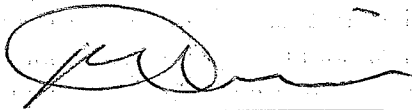
IT IS FURTHER RESOLVED, that if any provision of this Resolution or application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. Bayview MUD Board of Directors hereby declare that it would have adopted this Resolution irrespective of the validity of any particular portion thereof.

IT IS FURTHER RESOLVED, that this Resolution is not intended to and shall not be construed or given effect in a manner that imposes upon the District or any officer or employee thereof a mandatory duty of care toward persons and property within or without the District so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

IT IS FURTHER RESOLVED, that this Resolution shall take effect immediately.

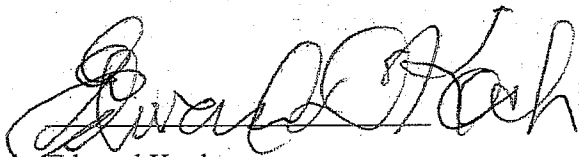
APPROVED AND PASSED this 20th day of June, 2024,

Signed:



Ron Williams
President - Board of Directors
Bayview Municipal Utility District

Attest:



Edward Koch
Secretary - Board of Directors
Bayview Municipal Utility District