

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 09-02-17C

ADOPTING RULES FOR ON-SITE SEWAGE FACILITIES

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, PROVIDING FOR FINDINGS OF FACT; STATEMENT OF FACT; CONFLICTS; CHAPTER 366 ENFORCEMENT; AREA OF JURISDICTION; ON-SITE SEWAGE FACILITY RULES; ON-SITE SEWAGE FACILITY RULES ADOPTED; INCORPORATION BY REFERENCE; DUTIES AND POWERS; COLLECTION OF FEES; APPEALS; PENALTIES; SEVERABILITY; AND EFFECTIVE DATE

WHEREAS, the Texas Commission on Environmental Quality has established Rules for on-site sewage facilities to provide the citizens of this State with adequate public health protection and a minimum of environmental pollution; and

WHEREAS, the Legislature has enacted legislation, codified as Texas Health and Safety Code, Chapter 366, which authorizes a local government to regulate the use of on-site sewage facilities in its jurisdiction in order to abate or prevent pollution or injury to public health arising out of the use of on-site sewage facilities; and

WHEREAS, due notice was given of a public meeting to determine whether the City Council of the City of Horseshoe Bay, Texas should enact an Ordinance controlling or prohibiting the installation or use of on-site sewage facilities in the City of Horseshoe Bay, Texas; and

WHEREAS, the City Council of the City of Horseshoe Bay, Texas finds that the use of on-site sewage facilities in the City of Horseshoe Bay, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the City Council of the City of Horseshoe Bay, Texas has considered the matter and deems it appropriate to enact an Ordinance adopting Rules regulating on-site sewage facilities to abate or prevent pollution, or injury to public health in the City of Horseshoe Bay, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:

I. FINDINGS OF FACT

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

II. STATEMENT OF FACT

The use of on-site sewage facilities in the City of Horseshoe Bay, Texas is causing or may cause pollution or is injuring or may injure the public health;

III. CONFLICTS

This Ordinance repeals and replaces any other On-site Sewage Facility Ordinance for the City of Horseshoe Bay.

IV. CHAPTER 366

The City of Horseshoe Bay, Texas clearly understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and will fully enforce Chapter 366 of the Texas Health and Safety Code (H&SC) and Chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in Section 8 of this Ordinance.

V. AREA OF JURISDICTION

(a) The Rules shall apply to all the area lying within the incorporated limits of the City of Horseshoe Bay, Texas.

(b) These Rules shall apply to those incorporated cities or counties that have executed intergovernmental contracts with the City of Horseshoe Bay, Texas.

VI. ON-SITE SEWAGE FACILITY RULES

Any permit issued for an on-site sewage facility within the jurisdictional area of the City of Horseshoe Bay, Texas must comply with the Rules adopted in Section 7 of this Ordinance.

VII. ON-SITE SEWAGE FACILITY RULES ADOPTED

The Rules, Title 30 Texas Administrative Code (TAC) §285.1-§285.91 and TAC 30, attached hereto, promulgated by the Texas Commission on Environmental Quality for on-site sewage facilities are hereby adopted, and all officials and employees of the City of Horseshoe Bay, Texas having duties under said Rules are authorized to perform such duties as are required of them under said Rules.

VIII. INCORPORATION BY REFERENCE

The Rules, 30 TAC Chapters 30 and 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules. A copy of the current Rules is attached to these Rules as Appendix I.

IX. DUTIES AND POWERS

The OSSF Inspector of the City of Horseshoe Bay, Texas, must be certified by the Texas Commission on Environmental Quality before assuming the duties and responsibilities.

X. COLLECTION OF FEES

All fees collected for permits and/or inspections shall be made payable to the City of Horseshoe Bay, Texas.

XI. APPEALS

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the City Council of the City of Horseshoe Bay, Texas.

XII. PENALTIES

This Ordinance adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which includes, but is not limited to, those found in Chapters 341 and 366 of the Texas Health and Safety Code, Chapters 7, 26, and 37 of the Texas Water Code and 30 TAC Chapters 30 and 285.

XIII. SEVERABILITY

It is hereby declared to be the intention of the City Council of the City of Horseshoe Bay, Texas, 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 should 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, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of such unconstitutional phrases, clause, sentence, paragraph, or section.

XIV. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its date of approval as required by law and upon the approval of the Texas Commission on Environmental Quality.

