

ORDINANCE NO. 56-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAK RIDGE, KAUFMAN COUNTY, TEXAS, AUTHORIZING ON-SITE SEWAGE FACILITIES, PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Texas Commission on Environmental Quality (“**TCEQ**”) has established Rules for on-site sewage facilities (“**OSSF**”) 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 (“**THSC**”), Chapter 366, which authorizes a local government to regulate the use of OSSF in its jurisdiction in order to abate or prevent pollution or injury to the 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 Oak Ridge, Texas (“**City**”), should enact an ordinance controlling or prohibiting the installation or use of OSSF in the City; and

WHEREAS, the City Council of the City of Oak Ridge, Texas (“**City Council**”), finds that the use of OSSF in areas of the City not served by a sanitary sewage system is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the City Council has considered the matter and deems it appropriate to enact an Ordinance adopting Rules regulating OSSF to abate or prevent pollution, or injury to public health in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, KAUFMAN COUNTY, TEXAS.

ARTICLE I.

That this ordinance is hereby adopted as the City’s On-Site Sewage Facilities Ordinance, which shall provide as follows:

“On-Site Sewage Facilities.

- (a) *Conflicts.* – This Ordinance repeals and replaces any other OSSF ordinances of the City.
- (b) *OSSF Regulation and Enforcement.* – The City clearly understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating OSSF, and will fully enforce Chapter 366 of the THSC

and Chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in Paragraph (e), below.

- (c) *Area of Jurisdiction.* – This Ordinance shall apply to all areas lying within the corporate limits of the City.
- (d) *OSSF Rules.* – Any permit issued for an OSSF within the jurisdictional area of the City must comply with the Rules adopted in Paragraph (e), below.
- (e) *OSSF Rules Adopted.* – The Rules, Title 30 Texas Administrative Code (“**TAC**”) Chapter 30, Subchapters A and G, and Chapter 285, promulgated by the TCEQ for OSSF are hereby adopted, and all officials and employees of the City having duties under said Rules are authorized to perform such duties as are required of them under said Rules.
- (f) *Incorporation by Reference.* - The Rules, 30 TAC Chapter 30, Subchapters A and G, and Chapter 285, and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules.
- (g) *Amendments.* – The City, wishing to adopt more stringent Rules for this Ordinance, understands that the more stringent local Rule shall take precedence over the corresponding TCEQ requirement. Listed below are the more stringent Rules adopted by the City:

The City requires a minimum of three-fourth (3/4) of an acre for a property to be served by an OSSF when served by a public water supply.
- (h) *Duties and Powers.* – The OSSF Designated Representative (DR) (30 TAC §285.2 (17)) of the City must be certified by the TCEQ before assuming the duties and responsibilities.
- (i) *Collection of Fees.* – All fees collected for permits and/or inspections shall be made payable to the City. An additional fee of ten dollars (\$10.00) shall also be collected for each OSSF permit issued to be paid to the credit of the TCEQ Water Resources Management Account as required by THSC, Chapter 367.
- (j) *Appeals.* – Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the Municipal Court of the City of Oak Ridge, Texas.
- (k) *Enforcement Plan.* – The City clearly understands that, at a minimum, it must follow the requirements in 30 TAC § 285.71, Authorized Agent Enforcement of OSSF. This Ordinance adopts and incorporates all applicable provisions related to OSSF, which includes, but is not limited to, those found in Chapters 341 and 366 of the THSC, Chapters 7, 26, and 37 of the TWC and 30 TAC Chapter 30, Subchapters A and G, and Chapter 285.

- (1) *Relinquishment.* - In the event the City Council decides that it no longer wishes to regulate OSSF in its area of jurisdiction, the City Council, as authorized agent, and the TCEQ shall follow the procedures outlined in 30 TAC § 285.10 (d) (5) and § 285.14 after the date that delegation has been relinquished.”

ARTICLE II.

All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

ARTICLE III.

It is hereby declared to be the intention of the City Council Texas, that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections.

ARTICLE IV.

This Ordinance will take effect immediately after its passage and the publication of the caption, and its approval by the TCEQ as the law in such cases provides.

PASSED AND APPROVED this the 23 day of September, 2019.

Mayor

Attest:

Approved as to form:

City Secretary

City Attorney