

CITY OF WILLOW PARK

ORDINANCE NO. 649-12

AN ORDINANCE AMENDING ARTICLE 11.300 “ON SITE SEWAGE DISPOSAL” OF THE MUNICIPAL CODE OF ORDINANCES BY REPEAL AND REPLACING SAID ARTICLE WITH AN ARTICLE ADOPTING RULES FOR “ON-SITE SEWAGE FACILITIES”; AND, PROVIDING FOR AN EFFECTIVE DATE, PENALTY, PUBLICATION, AND REPEALER.

WHEREAS, the City of Willow Park, Texas (“City”) is a municipal corporation organized under the laws of the State of Texas; and,

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare and well being of its citizens; and,

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and,

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 in Chapter 366 TEXAS HEALTH AND SAFETY CODE, which authorizes a local government to regulate the use of on-site sewage facilities in its jurisdiction to abate, prevent or limit 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 Willow Park, Texas should enact an Ordinance controlling or prohibiting the installation or use of on-site sewage facilities in the City; and,

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

WHEREAS, the City Council of Willow Park, 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 Willow Park, Texas; and

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

SECTION 1. AUTHORIZATION

The Mayor, or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

SECTION 3. AMENDMENT

ARTICLE 11.300 “ON-SITE SEWAGE DISPOSAL” is hereby amended by repeal and is replaced, as follows:

“ARTICLE 11.300 ON SITE SEWAGE FACILITIES.

SECTION 11.301 LEGISLATIVE FINDINGS.

The City understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and will enforce Chapter 366, of the TEXAS HEALTH AND SAFETY CODE and Chapters 7 and 37 of the Texas Water Code, and associated rules referenced in this Article (“Rules”).

SECTION 11.302 JURISDICTIONAL LIMITS.

The Rules shall apply to all the area lying within the incorporated limits of The City.

SECTION 11.303 PERMIT REQUIREMENT.

Any permit issued for an on-site sewage facility within the jurisdictional area of the City must comply with the Rules, including those adopted by Section 11.304 herein.

SECTION 11.304 PERMIT

All on-site sewage facilities must be permitted as a part of the building permit for new construction, repair or remodeling. All work to repair or remodel existing on-site sewage facilities must be upon permit and done according to Rules adopted herein. No Permit shall be issued for an on-site sewage facility if public sanitary sewer is available.

SECTION 11.305 ON-SITE SEWAGE FACILITY RULES.

Title 30 TEXAS ADMINISTRATIVE CODE §285.1-§285.91 and Title 30, Part 1, Chapter 30, TEXAS ADMINISTRATIVE CODE, promulgated by the Texas Commission on Environmental Quality for on-site sewage facilities 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.

SECTION 11.306 INCORPORATION BY REFERENCE.

Title, TEXAS ADMINISTRATIVE CODE Chapter 30 and 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules.

SECTION 11.307 DUTIES AND POWERS OF ENFORCEMENT.

The City Administrator of the City of Willow Park, Texas, or the designee thereof is herewith declared the designated representative for the enforcement of these rules within its jurisdictional area. The appointed individual must be approved and certified by the Texas Commission on Environmental Quality before assuming the duties and responsibilities of the Designated Representative of the City of Willow Park, Texas. The designated representative shall

have the following duties and concomitant powers:

1. To resolve any question regarding any interpretation of these Rules, or the Design Criteria.
2. To enforce these Rules and to make appropriate recommendations to proper city officials when instances of noncompliance with these Rules have been determined.
3. To make statutorily mandated inspections of proposed, new and existing on-site sewage facilities.
4. To collect fees set by the authorized agent as necessary to recover the reasonable costs incurred in meeting the requirements of these Rules.
5. To make semi-annual reports to the authorized agent on all actions, including legal actions, taken concerning these Rules.
6. To investigate nuisance complaints within 21 days of receipt. All validated complaints shall be resolved or substantial progress made toward resolution by the responsible individual within 30 days.
7. To assure that the owner of an on-site sewage system either enters into a maintenance contract for the system and keeps the contract in force or personally maintains the single family residential system pursuant to state standards and regulations.
8. To perform all other duties necessary to meet the requirements of these Rules.

SECTION 11.308 COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to City of Willow Park, Texas

SECTION 11.309 APPEALS.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the Board of Adjustments of the City of Willow Park, Texas within ten (10) days of receipt of notice of the decision.

SECTION 11.310 PENALTIES.

This Ordinance adopts and incorporates all applicable penalty provisions related on-site sewage facilities, which includes, but 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 Title 30 Texas Administrative Code Chapters 30 and 285.”

SECTION 4. REPEALER.

All ordinances in conflict herewith be, and the same are, hereby repealed to the extent of such conflict; in particular, Ordinance No. 592-09 adopted April 20, 2009, by the City Council of the City of Willow Park, is hereby specifically repealed.

SECTION 5. SEVERABILITY.

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 6. PUBLICATION.

The City Secretary of the City of Willow Park is hereby directed to publish in the official newspaper of the City of Willow Park the caption hereof and the effective date of this ordinance as required by Section 52.011 of the LOCAL GOVERNMENT CODE.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect from and after the publication in a newspaper of general circulation.

This Ordinance is PASSED AND ADOPTED this 12th day of June, 2012.

/s/ Marvin Glasgow
Mayor

ATTEST:

/s/ Juel Hoffman
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ [Signature]
City Attorney

The Willow Park City Council in acting on Ordinance No. 649-12, did on the 12th day of June, 2012 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Marvin Glasgow, Mayor	_____	_____
Richard Neverdousky, Place 1	_____✓_____	_____
Gene Martin, Place 2	_____✓_____	_____
Amy Podany, Place 3	_____✓_____	_____
Dan Stalling, Place 4	_____✓_____	_____
Bernard Suchocki, Place 5	_____	_____✓_____