

AN ORDINANCE AMENDING ORDINANCE NO. 79-2 WHICH ESTABLISHES PROCEDURES, FEES, AND REGULATIONS REGARDING THE EXPULSION OF WASTE MATERIALS INTO SEWAGE FACILITIES; ESTABLISHING PROCEDURES BY WHICH PERSONS CAN OBTAIN ELECTRICAL POWER TO NEW BUILDINGS AND STRUCTURES ONCE FULFILLING PROPER REQUIREMENTS OF CITY AS TO SEWAGE FACILITIES.

WHEREAS, the City of Beach City, Texas is aware that there is a need for proper guidelines within the City as to sewage facilities; and

WHEREAS, unregulated sewage and waste materials results in harmful effects upon the health of individuals within the City and

WHEREAS, it is in the public interest and welfare to regulate sewage and waste materials; NOW THEREFORE:

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

I. Definitions

A. For the purposes of this Order, the terms listed shall have the following meaning:

1. "City Council" means the City Council of Beach City.
2. "Board" means the Texas Water Quality Board.
3. "Building", the word building shall include any house, business, factory, school house, theaters, filling stations, tourist courts, bus stations, taverns or any other roofed and walled structure public or private.
4. "The County" means Chambers County, Texas.
5. "Disposal System" the disposal system shall have the same meaning as the septic tank system.
6. "Drainfield" means an area in which open joint or perforated piping is laid in gravel-packed trenches or excavations for the purpose of distributing the effluent discharged from a tank used as a part of an individual waste disposal system for absorption into the soil.
7. "Multiple Dwelling" means any structure designed and intended to accommodate more than one family and includes but is not limited to duplex buildings and apartment buildings.
8. "Official" means a quorum of City Council or its designated representative.
9. "Person" means any individual, partnership, firm public or private corporation, association, trust, estate, political subdivision or agency, or any other legal entity or their legal representative agents or assigns.
10. "Private Wastewater Facilities" means a disposal system which receives wastewater and does not have a discharge permit from the Texas Water Quality Board. It includes but is not limited to a septic tank system.
11. "Organized Disposal System" means any public or private system for the collection, treatment, and disposal of sewage operated in accordance with the terms and conditions of a

valid waste control order issued by the Texas Water Quality Board.

12. "Septic Tank" means any covered water-tight tank, designed for the treatment of holding of wastewater whether aerobic or anaerobic.
13. "Septic Tank System" the septic tank system shall mean all of the outside plumbing associated with the collection, treatment and disposal of Wastewater including the septic tank and drainfield.
14. "Subdivision" means (1) a subdivision which has been platted and recorded with the County Clerk of the County or Counties in which the land lies, or which is required by statute to be so platted and recorded; or (2) any two or more contiguous lots or tracts, either of which is less than one (1) acre in size.
15. "Toilet" means the hopper device for the deposit and discharge of human excreta into water carriage system.
16. "Trailer Parks" is any tract or parcel of land maintained, offered or used for the parking or accommodation of house trailers, house cars or similar mobile units or any other portable structures designed for use, or which may be used, or which are used for human habitation or living quarters.
17. "Wastewater" means water carried waste, liquid or solid, organic or inorganic, which includes but is not limited to, human excreta and effluent from slop drains, bathtub drains, shower bath drains and washing machine drains.

II. The provisions of this Ordinance shall apply to all of the area within the corporate limits of Beach City.

III. Regulations controlling the Discharge of Sewage

- A. After the effective date of this Ordinance, only the following types of wastewater discharge shall be lawful:
 1. Wastewater discharge into a public wastewater system operating under a valid Waste Control Order issued by the City Council.
 2. Wastewater discharge into a private wastewater facility permitted in accordance with the regulations contained in this Ordinance.

IV. Licensing Authority Designated to Perform Licensing and Registration Functions of this Ordinance.

- A. Under the authority of the City Council of Beach City, Texas, the City Council shall have the following powers:
 1. To enforce all the regulations contained in this Ordinance.
 2. To make all required inspections and special inspection of all private wastewater facilities located or to be located within the area covered by this Ordinance.
 3. To collect all fees set by the Council necessary to recover all the costs incurred in meeting the requirements of this Ordinance.
- B. City Council or its designated representative shall have the following responsibilities:

1. To perform all the duties necessary to meet the requirements of this Ordinance.

V. Beach City Permit Requirements for Wastewater Facilities

- A. Every owner of any building or part thereof occupied by people for any purpose, any part of the day or night, shall provide sanitary toilet accommodations and said accommodations shall be kept and maintained in proper working condition.
- B. All effluent from septic tanks shall be disposed of through a subsurface drainage field designed in accordance with good public health practice. The disposal system shall be sufficient to prevent the pollution of surface soil, the contamination of any drinking water supply, the infestation of any flies or cockroaches, or the creation of any other nuisance.
- C. All wastewater of any kind shall be disposed of through a septic tank unless an alternative method is approved by the City Council or its designated representative.
- D. All private wastewater facilities constructed in Beach City after the passage of this Ordinance shall obtain a Wastewater Facilities Permit in accordance with the Ordinance and shall submit all information and permit all inspections required by this Ordinance.
- E. Private wastewater disposal facilities existing within Beach City on the date of the passage of this Ordinance are automatically permitted hereunder so long as the system is not shown to be causing pollution or nuisance conditions as stated in TEX. REV. CIT. STAT. AMM, art. 4477-1 (1966). Any new construction or addition to existing facilities must be designed in the manner prescribed by A Guide to the Disposal of Household Sewage published by the Texas State Department of Health and must meet all special design and construction requirements of the City.
- F. Any developer, contractor, builder or other interested person or persons desiring to construct private wastewater facilities in Beach City, Texas, must obtain approval from the City Council or its designated representative of the plan for wastewater disposal. Such person must fulfill the following requirements:
 1. Submit two (2) copies of the form entitled "Beach City Inspection Report of Private Wastewater System".
The plot on the above-mentioned form must include:
 - a. Size of lot.
 - b. All structures on lot such as buildings, barns, pens, etc.
 - c. Size and location of septic tank or other treatment facilities.
 - d. Length and location of absorption field.
 - e. Distance of septic tank from house, property line, well and absorption field.
 - f. Distance of absorption field from house, property line, well and septic tank.
 - g. Distance and direction to closest neighboring well from septic tank and absorption field.
 - h. Distance and direction to closest open water such as: ponds, lakes, streams, etc.

2. All plans for the construction of new wastewater treatment facilities shall be submitted to and approved by the City Council or its designated representatives before any construction of any kind is begun.
 3. The private wastewater treatment facility must be designed in the manner prescribed by A Guide to the Disposal of Household Sewage published by the Texas State Department of Health and must meet all special design and construction requirements of Beach City, Texas.
 4. All private wastewater facilities shall be constructed on minimum size lots of 20,000 square feet and/or lots of sufficient size that any water well is at least 50 feet from any septic tank and at least 100 feet from any drainfield line and that the drainfield line is of a certain length, specified by the City Council or its designated representatives, unless a percolation test indicates the field line can be shorter and/or the lot must be of sufficient size and shape to meet all the terms and conditions of this Ordinance.
- G. Approval of Subdivision Plans for Private Wastewater Facilities:
1. Any developer or other interested person desiring to create a subdivision using private wastewater facilities must first show to the City Council or its designated representative its plans for a wastewater collection and treatment system before beginning construction.
 2. Any developer or other interested person creating a subdivision using private wastewater facilities must obtain approval of his plan for wastewater disposal from the City Council or its designated representative.
 - a. To obtain approval he must meet all the terms and conditions of this Ordinance and he must inform each prospective buyer in writing:
 - (1) That the subdivision is subject to all terms and conditions of this Ordinance.
 - (2) That a permit will be required for private wastewater facilities constructed in the subdivision.
 - (3) That a wastewater disposal plan has been filed for the subdivision and that the areas judged suitable for private wastewater facilities have been defined.
 - b. If investigation pursuant to this section reveals that a lot, section or any portion of the subdivision is not suitable for the use of private wastewater facilities, the prospective buyer or buyers shall be so notified.
- H. City Council or its designated representative shall have the right and privilege of entering any premises within the City, within reasonable hours, (after written notice, delivered by certified mail, return receipt requested to the owner or occupant of said premises) for the purpose of inspecting private wastewater facilities after displaying proper identification to an adult occupant of said premises.
- I. Any violation of this Ordinance will constitute grounds for revocation of the wastewater facilities permit.

- J. The wastewater facilities permit will be considered revoked upon a written notice of any violation of this Ordinance or any State or local ordinance (containing reasons for revocation) to the property owner or his agent and/or to the occupant of the property. Such written notice is to be from the City Council or its designated representative. The written notice may be delivered in person by the City Council or its designated representative or sent by certified or registered U.S. Mail addressed to the property owner or his agent or to the address where the violation occurred.
- K. City Council or its designated representative may require, if he deems necessary, a percolation test on any lot or section, or any other previously untested area. The test shall be conducted under the direction of the City Council or its designated representative or by any registered professional engineer licensed by the State of Texas. The purpose of such test is to determine the capabilities of the area for properly absorbing all effluent emitted through the drainfield.
- L. It shall be the responsibility of the contractor or the property owner to prepare all test holes and provide adequate clean water necessary to conduct the percolation test.
- M. The City of Beach City shall be paid a reasonable fee of SEVENTY FIVE (\$75.00) DOLLARS to recover the costs of administration and services performed for a percolation test.
- N. Any property owner may request that the City Council or its designated representative perform a percolation test if requested, the same fee as stated in Section V, Subsection M above will be charged and the same responsibilities as stated in Section V, Subsection L above shall apply.
- O. Any person constructing, modifying or cleaning a private wastewater system for anyone other than themselves on any property other than their own must first be registered with the City. The City Council or its designated representative will acquaint such person with all the requirements of this regulation upon registration.
- P. Any person constructing, modifying and cleaning a private wastewater system for anyone other than themselves on any property other than their own, who knowingly violates any section or subsection of this regulation may be removed from the register and is subject to all penalties provided herein.

VI. Inspection - General

- A. The City Council or its designated representative shall inspect every private wastewater facility constructed after the passage of these regulations, which is located within the incorporated limits of Beach City and for which an application for approval has been received by the City.
- B. The plans for all new wastewater disposal systems shall be submitted to the City Council or its designated representative for its approval before construction of a septic tank system is

begun. The City Council or its designated representative shall examine each plan and the drawings and computation filed therewith to ascertain by such examination whether the design and construction indicated and described is in accordance with the requirements of this regulation.

- C. The City Council or its designated representative may inspect at various intervals all materials, construction, or work and may either approve the materials, construction, or work and may either approve the materials and that portion of the construction as completed or may notify the permit holder or his agent, the owner or his agent or the person doing the work wherein the same failed to comply with this regulation.
- D. Upon notice from the City Council or its designated representative that the work on any wastewater facility is being done contrary to the provisions of this regulation, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to his agent, to the permit holder or his agent, or to the person doing the work, and shall state the condition under which such work may be resumed.
- E. The City Council or its designated representative may revoke and/or withhold a permit or approval issued or to be issued under the provisions of this regulation, in case there has been any false statement or misrepresentation as to a material fact in the application or plans upon which the permit or approval was issued or for any other reason the private wastewater facilities do not meet all the requirements of this Ordinance.
- F. The City Council shall have the power, to prescribe and promulgate such rules and regulations, not inconsistent with any law of the State, as may be deemed necessary to protect the health and safety of the people and to effectively perform the duties imposed by this Ordinance.

G. Special Consideration

The provisions of this regulation are not intended to prevent the use of any material or method of construction not specifically prescribed by this regulation, providing any such alternate has been approved and its use authorized by the City Council or its designated representative. The City Council or its designated representative may approve any such alternate, provided he finds that the proposed design and/or materials is satisfactory and complies with the provisions of A Guide to the Disposal of Household Sewage published by the Texas State Department of Health, as adopted, and all special requirements of the City Council and that the material, method or work offered is for the purposes intended at least the equivalent of that provided in the Guide in quality, strength, effectiveness, durability and safety. The City Council or its designated representative shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding material, method of construction, and/or effectiveness of the system.

H. Request for special consideration of any material, lot, size, method of construction, and/or design not specifically prescribed by this regulation shall each be considered separately and unto itself. This shall include, but is not limited to, trailer, parks and multiple dwelling.

I. Final Inspection

The property owner or his agent or the person constructing the wastewater facilities of his agent shall notify the City Council or its designated representative at least one (1) day in advance of the desired date of the final inspection. All work shall be completed before the final inspection is made except that the septic tank or tanks shall be open and the back fill on the absorption field shall not be applied.

J. All construction of the septic tank system shall be completed and the final inspection made by the City Council or its designated representative within six (6) months of the approval of the septic tank system plans or new plans shall be submitted.

K. Final inspection shall not relieve the septic tank system contractor of his responsibility to the owner of the property for any defective work or material.

VII. Fees

A. To erect, construct, or enlarge, alter or improve any private wastewater facility, a fee of TWENTY-FIVE (\$25.00) DOLLARS shall be charged and collected by the City and said fee shall cover the costs incurred in reviewing and approving the proposed plan and the inspection, provided the facilities meet all requirements of this regulation and no further inspections are required, and said fee shall be paid into the General Fund of Beach City.

B. There shall be no fee charged for any inspection as may be made under Section VI, Subsection E of this regulation.

C. If after a final inspection is requested, as outlined in Section VI, Subsection K above, the wastewater system does not meet all the requirements of this regulation, a notice in writing of the violations shall be given to the owner of the property or his agent, the permit holder or his agent or to the person doing the work. For each additional inspection, a fee of TWENTY-FIVE (\$25.00) DOLLARS will be charged until the facilities meet all requirements of this regulation and each inspection shall be requested as outlined in Section IV, Subsection K.

D. All additional inspection fees as outlines in Section VII, Subsection C shall be collected on or before the final inspection. Certified checks, cashiers checks, personal checks, or money orders shall be sent to the City of Beach City, Texas, and shall be made payable to Beach City, and all fees will be paid into the General Fund of Beach City, Texas.

E. The City Secretary of Beach City shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, the date and amount therefore.

VIII. Liability

Any suit brought against any officer or employee of Beach City because

of some act performed by him in the enforcement of any provision of this regulation shall be defended by Beach City, Texas, until the final termination of the proceedings.

IX. Invalidity

In case any section, clause, sentence or paragraph or part of this ordinance shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

X. Enforcement of this Ordinance

- A. On completion of a satisfactory percolation and/or tests in addition to approval of the owner's plans for sanitary facilities, the City Council or its designated representative shall issue a construction permit and notify Houston Lighting and Power Company, a public utility, to provide the applicant with electrical power for the sole purpose of construction utilizing a temporary hookup.
- B. On completion by the applicant of the construction of his premises, but before any or all underground sanitary facilities are covered with earth, an application for an operating permit must first be filed with the City Secretary.
- C. Upon filing of an application for an operating permit, the City Council or its designated representative shall make his final inspection, and then notification of the results of said inspection shall be forwarded to the City Secretary.
- D. If the results of the final inspection meet with the guidelines set forth herein, then a permanent operating permit shall be issued by the City Council or its designated representative.

XI. Exceptions

- A. A person desiring an exception to any requirements of this Ordinance shall file a written statement with the City Council or its designated representative stating:
 - 1. The nature of the exception; and
 - 2. The reason the exception should be granted
- B. The City Council or its designated representative shall review the request and reply to the applicant in writing within thirty (30) days either granting or denying the request.
- C. If the request is denied, the City Council or its designated representative shall include in its reply the reasons for denial.

XII. Effective Date

This Ordinance shall be in full force and effect from and after its passage, recording and publication as provided by law.

PASSED AND APPROVED this 25th day of October, 1983.


Mayor of City of Beach City, Texas

ATTEST:


City Secretary of Beach City, Texas

