

ORDINANCE 97-4

AN ORDINANCE AMENDING AND/OR CONSOLIDATING ORDINANCE(s) No. 83-3 AND 85-3 AND 93-1 WHICH ESTABLISHES PROCEDURES, FEES, AND REGULATIONS REGARDING THE EXPULSION OF WASTE MATERIALS INTO SEWAGE FACILITIES; 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 procedures and laws within the City as to the regulation of on-site wastewater treatment; and

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

WHEREAS, it is in the public interest and welfare to regulate on-site wastewater treatment;
NOW THEREFORE:

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

I. Definitions

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

1. "City Council" means the City Council of Beach City.
2. "Board" means the Texas Natural Resource Conservation Commission (TNRCC).
3. "Building" the word building shall include any business, factory, school house, theaters, filling stations, tourist courts, bus stations, taverns or any other roofed and walled structure open to the public.
4. "County" means Chamber 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 or 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.

*Not Approved
by TNRCC*

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 a water carriage system.
16. “Trailer or Mobile Home Parks” is any tract or parcel of land maintained, offered or used for the parking or accommodation of house trailers or mobile homes, 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, shower bath drains and washing machine drains.
18. “Texas Natural Resource Conservation Commission (TNRCC)” means that entity or governmental agency or commission of the state of Texas charged with the duty of promulgating and implementation of rules and regulations and enforcement of the laws relating to or concerning on-site wastewater treatment.

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 Chapters 285 and 366 of the TEXAS HEALTH AND SAFETY CODE (1996). Any new construction or addition to existing facilities must be designed in the manner prescribed by Construction Standards for On-Site Sewage Facilities promulgated by the Texas Natural Resource Conservation Commission in conformity with its rights to promulgate rules and regulations under Chapters 285 and 366 of the TEXAS HEALTH AND SAFETY CODE (1996) 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 Construction Standards For On-site Sewage Facilities promulgated by the Texas Natural Resource Conservation Commission and must meet all special design and construction requirements of Beach City, Texas, and the state of Texas.

4. All private wastewater facilities shall be constructed on minimum size lots of 43,560 square feet and any water well located on lots of sufficient size shall be at least 50 feet from any septic tank and at least 100 feet from any drain field line.
 - a. Real property which is platted and recorded as of the date of this ordinance shall not be subject to the requirements of Section V (F) (4) regarding minimum size lots, but shall continue to be subject to all laws and regulations as are promulgated by the legislature and the Texas Natural Resource Conservation Commission.
 - b. The City Secretary of the City of Beach City, Texas, shall be the designated representative of the City responsible for the enforcement of this ordinance and the rules and regulations promulgated by the Texas Natural Resource Conservation Commission, who shall have the following duties and concomitant powers:
 1. To enforce said regulations and rules and to make appropriate recommendations to proper city officials when instances of noncompliance with this ordinance have been deemed to exist;
 2. To make statutorily mandated inspections of proposed, new and existing on-site wastewater treatment facilities;
 3. To collect fees set by the authorized agent as necessary to recover reasonable costs incurred in meeting the requirements of this ordinances and laws of this state;
 4. To make semi-annual reports to the authorized agent on all actions, including legal actions, taken concerning this ordinance;
 5. To perform all other duties necessary to meet the requirements of this ordinance and the state of Texas

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 meet and 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.
3. To obtain approval he must meet all the terms and conditions of this Ordinance and he must inform each prospective buyer in writing:
 - (a) That the subdivision is subject to all terms and conditions of this Ordinance.
 - (b) That a permit will be required for private wastewater facilities constructed in the subdivision.
 - (c) That a wastewater disposal plan has been filed for the subdivision and that the areas judged suitable for private wastewater facilities have been defined.
4. 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, with reasonable hours, 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 deemed 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. 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 VII, will be charged and the same responsibilities as stated in Section V, Subsection L, above shall apply.
- N. 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.
- O. 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 he 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 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 that any such alternative 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 alternative, provided there is a finding that the proposed design and/or materials are satisfactory and comply with the provisions of The Construction Standards for On-Site Sewage Facilities promulgated by the Texas Natural Resource Conservation Commission and must meet all special design and construction requirements of Beach City, Texas, and that the material, method, or work offered is for the purposes intended at least the equivalent of that provided in The Construction Standards for On-Site Sewage Facilities guidelines 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 five (5) days in advance of the desired date of the final inspection. The applicant or registered installer or his agent shall provide reasonable assistance to the designated representative of the city as same may be requested in order to complete the 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.

- L. Any person owning or controlling property upon which an on-site wastewater treatment facility is installed shall be responsible for the following system maintenance:
1. Wastewater treatment and disposal systems shall be maintained at all times to prevent seepage or discharge of wastewater or effluent to the surface of the ground or to surface waters;
 2. Wastewater treatment and disposal systems shall be checked, and the contents of the septic tank(s) removed, periodically to ensure proper operation of the system;
 3. All mechanical components shall be maintained in a functional condition at all times;
- M. Maintenance Contracts shall be required for the following systems:
1. All systems utilizing pumps or siphons (such as surface irrigation and low pressure dosing systems);
 2. Filtration systems;
 3. Aerobic treatment units;
 4. Drip emitter systems; and
 5. Any other systems as required by the City or the state of Texas.
- O. A contract shall be executed between the system owner and a maintenance company prior to the issuance of a permit to operate. Said contract shall contain and include:
1. Specific requirements for maintenance and operation;
 2. Responsibilities of the owner and system operator; and
 3. Provisions that the contract shall be in effect for as long as the system is in use, and other requirements for the continued proper performance of the system;
- P. Maintenance of the on-site wastewater treatment facility shall be performed by a maintenance company at the frequency specified for that particular system. The maintenance company shall report the results of their maintenance findings to the designated representative at the specified reporting frequency or whenever an inspection is necessary. When the maintenance findings indicated the need for system repair, the maintenance company shall notify the designated representative within 48 hours in order to obtain a permit.
1. The maintenance company shall be responsible for assuring routine maintenance procedures in accordance with the conditions of the License to Operate and the contract;
 2. The designated representative shall routinely review the performance and operation reports submitted by the maintenance company and shall perform an on-site inspection of that system if there is reason to believe that the submitted report is in error or fraudulent.
- Q. Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the City Council of Beach City.
- R. The designated representative may routinely inspect on-site facilities to assure compliance with ordinance.
- S. The designated representative shall inspect any on-site system that is believed to be causing pollution, a threat to the public health, or nuisance conditions, or illegally installed or altered system same being so installed or altered without compliance with this ordinance based on a credible complaint or other information available and may inspect any new on-site wastewater facility should the conditions existing at the time

of licensing or permitting be found to have changed. If upon inspection, it is found that pollution, a threat to public health or nuisance condition occurring, then the owner of the system shall be notified in writing and include what problems must be remedied in order to achieve compliance, and set a reasonable time for such compliance. The system shall be reinspected at the expiration of the allotted time, and one of the following shall control the actions of the designated representative:

1. If the facility is found to be in compliance, a license shall be issued or the existing license may be amended or modified;
2. If the facility is found to be in noncompliance, appropriate action may be taken to bring the system into compliance

VII. Fees

- A. To erect, construct, or enlarge, alter or improve any private wastewater facility, a fee of SEVENTY-FIVE (\$75.00) DOLLARS shall be charged and collected by the City and said fee being 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. 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 violation 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 Ordinance and each inspection shall be requested as outlined in Section IV, Subsection K.
- D. All additional inspection fees as outlined 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 the event 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.

- F. On completion by the applicant of the construction on 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. 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 **24th** day of **June**, 1997.



JAMES E. STANDRIDGE, MAYOR OF CITY OF
BEACH CITY, TEXAS

ATTEST:


Margaret Gainer, City Secretary of
Beach City, Texas