

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE CITY OF BEACH CITY, TEXAS, (i) AMENDING ORDINANCE NO. 2014- 6 (ii) ESTABLISHING PERMIT REQUIREMENTS WHERE NEW AND/OR REMODELED CONSTRUCTION OR WHERE THERE EXISTS THE INSTALLATION, REPAIR, MODIFICATION OR USE OF ON-SITE SEWAGE FACILITIES (OSSF), (iii) ESTABLISHING THE METHOD OF PROVISION OF ELECTRICAL POWER TO PROPERTIES, AND (iv) PROVIDING FOR ENFORCEMENT BY IMPOSITION OF A CRIMINAL PENALTY AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

PREAMBLE

WHEREAS, the City of Beach City desires to provide for the safety and welfare of its citizens;

WHEREAS, the City intends to protect the citizens of this City with adequate public health and safety protection and a minimum of environmental pollution;

WHEREAS, the City deems it necessary to issue permits, inspect and make provisions for electrical power to properties where new construction and/or modification of structures occurs, whether it is the installation, repair or modification of existing structures to abate or prevent injury to public health arising from the effect to the On-Site Sewage Facilities (OSSF) from the construction and/or modification of structures;

WHEREAS, the City deems it necessary to issue permits, inspect and make provisions for electrical power to properties where there exists the installation, repair or modification of OSSF to abate or prevent injury to public health arising out of the use of On-Site Sewage Facilities; and

WHEREAS, the City Council of the City of Beach City, Texas has considered the matter and deems it appropriate to enact an Ordinance adopting Rules regulating the installation, repair, modification of structures and On-Site Sewage Facilities to abate or prevent pollution, or injury to public health in the City of Beach City, Texas.

WHEREAS, the City deems it necessary to make provision for permitting, inspection, and electrical power to properties where new construction of structures occurs, whether it is the installation, repair or modification of existing structures (including but not limited to pools, driveways, and garages) to abate or prevent injury to public health arising from the effect on the OSSF from the construction of structures;

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BEACH CITY, TEXAS:

SECTION 1. THAT the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct;

SECTION 2. THAT the construction of structures in the City of Beach City, Texas, has the potential of affecting the safety and welfare of the citizens;

SECTION 3. THAT the use of On-Site Sewage Facilities in the City of Beach City, Texas has the potential and may cause pollution or injury or may injure the public health;

SECTION 4. Building permit.

Prior to the construction of any structure on any property, whether such construction constitutes new construction, remodeling or the addition to an existing structure or the installation, repair, modification of structures and On-Site Sewage Facilities, a person must obtain a building permit from the City.

Any improvement requiring the On-Site Sewage Facility to be relocated or redesigned will require a separate application and fee. Upon approval from the City's Designated Representative, the permit is good for *six months* from the date of application. If the OSSF work has not been completed in the allotted six month timeframe, the initial permit becomes null and void. A second permit will be required and the fees will be doubled.

The City Secretary may grant a one time, sixty day extension.

SECTION 5. Application.

A person desiring to obtain a building permit shall be required to complete a building permit application as provided by the City.

(a) OSSF Permit Application Packets submitted must include the following:

- a. A completed application with signature of property owner or contractor
- b. Proof of property ownership such as Chambers County Appraisal District information
- c. Septic System Design Drawing
- d. Soil Analysis
- e. Site Evaluation
- f. Beach City Affidavit to the Public
- g. Two year maintenance Agreement
- h. Permit fee

(b) Permit applications submitted other than OSSF must include the following:

- a. A completed application with signature of property owner or contractor
- b. Proof of property ownership such as Chambers County Appraisal District information
- c. Design Drawing
- d. Permit fee

SECTION 6. Permit fees

- a. All fees collected for permits and/or inspections shall be made payable to City of Beach City, Texas.
- b. The fees for permits and/or inspections shall be established by resolution from time to time by the City Council.

SECTION 7. Display of permit.

The person obtaining a building permit shall display such permit in a conspicuous place on the property.

SECTION 8. Inspections

As part of the permitting process, for the construction of any structure on any property, whether such construction constitutes new construction, remodeling or the addition to an existing structure or the installation, repair, modification of structures and On-Site Sewage Facilities per TCEQ guidelines, inspections of the On-Site Sewage Facilities will be conducted on behalf of the City. Inspections of the On-Site Sewage Facilities will be conducted in accordance with the following schedule:

Final Inspection - For any new installation, repair, or modification of On-Site Sewage Facilities. A final inspection and Notice of Approval from the City's inspector is required for on the ground verification that installation, repair or modification, including but not limited to, relocation of sprinkler heads has been performed as represented in the application to meet TCEQ requirements. A final inspection and Notice of Approval by the inspector is required prior to obtaining permanent electrical power.

SECTION 9. Obtaining permanent electrical power.

Upon completion and approval by the City of the structures or On-Site Sewage Facilities, the City shall notify the public electrical provider that the City has approved the facilities for permanent occupancy. Further, the City shall approve the permanent installation of electrical power to the property and structures. It shall be unlawful for any person to cause electrical power to be supplied or provided to any structure or facility without the approval of the City.

SECTION 10. 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 Beach City, Texas.

SECTION 11. Area of jurisdiction.

This Ordinance shall apply to all the area lying within the incorporated limits of the City of Beach City, Texas.

SECTION 12. Penalties.

Any person who fails to comply with any provision of this Ordinance has thirty days to come into compliance or shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine not exceeding **FIVE HUNDRED AND NO/100 DOLLARS (\$500.00)**. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

SECTION 13. Conflicts.

All ordinances or parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 14. Severability.

It is hereby declared to be the intention of the City Council of the City of Beach City, 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

SECTION 15. Effective date.

This Ordinance shall be in full force and effect from and after ten (10) days from its passage by the City Council. The City Secretary is hereby directed to give notice hereof by causing the caption of this ordinance to be published in a local newspaper once within ten (10) days after passage of this Ordinance.

INTRODUCED, READ AND PASSED this 24th day of August, 2021

APPROVED:



RYAN DAGLEY, Mayor



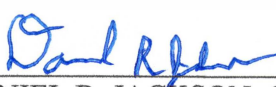
(SEAL)

ATTESTED:



EVONNE DONNELLY, City Secretary

APPROVED AS TO FORM:



DANIEL R. JACKSON, City Attorney